

Exhibit 1

Exhibit to Pls.' Br. in Supp.
of Summ. J.
(Case No. 3:09-cv-05456-BHS)

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

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Exhibit 1-1

Exhibit to Pls.' Statement of Material
Facts
(Case No. 3:09-cv-05456-BHS)

Exhibit 1, Page 1

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UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	NO. 09-cv-05456-BHS
)	
SAM REED, et al.,)	
)	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION OF [REDACTED]

September 15, 2010

Longview, Washington

DIXIE CATTELL & ASSOCIATES
COURT REPORTERS & VIDEOCONFERENCING
(360) 352-2506 ** (800) 888-9714

EGELER ([REDACTED], 9/15/10)

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1 BE IT REMEMBERED that on Wednesday, September 15,
2 2010, at 8:55 a.m., at 1700 Hudson Street, Suite 300,
3 Longview, Washington, before REBECCA S. LINDAUER, Notary
4 Public in and for the State of Washington, appeared [REDACTED]
5 [REDACTED], the witness herein:

6 WHEREUPON, the following proceedings were had, to
7 wit:

8
9 [REDACTED], having been first duly sworn by
10 the Notary, testified as follows:

11 EXAMINATION

12 BY MS. EGELER:

13 Q Pastor, my name is Anne Egeler and I'm a deputy with the
14 Attorney General's office for the state of Washington.

15 And today as we're taking your deposition, I wanted to
16 let you know the court reporter is taking down all that we
17 say, so it's important that we don't speak over each other
18 so she can get the record down correctly. And if you could
19 also please use yes or no, rather than head nods or um-hmms,
20 it will be clear on the record as well.

21 A Okay.

22 Q Also, if you are confused by anything I ask you, if it's not
23 making sense, please stop and ask for clarification. It's
24 important that we understand each other so the record will
25 be clear. All right?

EGELER ([REDACTED] , 9/15/10)

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1 Q Can you tell me what the situation was when you were, for
2 example, in a Wal-Mart or WinCo parking lot? Did you have a
3 table that the petitions were on?

4 A No. I had it in my hands.

5 Q And what would you do? How would you --

6 A I would approach people and tell them about R71.

7 Q What would you say?

8 A I would say if they support traditional marriage, then they
9 should sign this petition. If they will ask additional
10 questions, I would explain.

11 Q When you were doing this, were you careful to distinguish
12 between people that you thought had the same viewpoint that
13 you do about Referendum 71?

14 A No. I would approach anybody.

15 Q Because earlier you said that you would not want people that
16 disagreed with you to know that you had signed the petition.

17 MR. PIDGEON: Objection to the form of the
18 question.

19 Q (By Ms. Egeler) You can go ahead and answer.

20 MR. PIDGEON: What was the question?

21 MS. EGELER: Could you read it back, please?

22 THE COURT REPORTER: Question: "Because earlier
23 you said that you would not want people that disagreed with
24 you to know that you had signed the petition."

25 A How would I distinguish between those who do have agenda and

EGELER ([REDACTED], 9/15/10)

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1 those who don't?

2 Q (By Ms. Egeler) Did everyone that you spoke to agree with
3 you about Referendum 71?

4 A Not everyone did.

5 Q Approximately what percentage of the people agreed with you?

6 A I would say more agreed with me than disagreed.

7 Q But certainly you encountered a large number of people that
8 disagreed with you as well?

9 A I wouldn't say large number.

10 Q How many people's signatures did you obtain on the petitions
11 in the total number of days that you gathered?

12 A I can't recollect this number. I never really thought that
13 would be important statistic for me, so I just did as much
14 as I could.

15 Q Do you know how many completed petition sheets you turned
16 in?

17 A I think I myself did about three or four.

18 Q And when you gathered signatures, did you have anyone else
19 with you on any of those occasions?

20 A My wife was with me a couple times.

21 Q Anyone else?

22 A No.

23 Q On any of those days that you gathered petition
24 signatures -- let me rephrase that.

25 On each of the days that you gathered petition

EGELER ([REDACTED] , 9/15/10)

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1 signatures, did you encounter some people who did not want
2 to sign the petition?

3 A Yeah. Each day there would be somebody who don't want to
4 sign petition.

5 Q Did you gather signatures on the petitions at the church?

6 A No.

7 Q Did you have a Referendum 71 sign at your home in your yard?

8 A Sign, yes.

9 Q And was that in your yard?

10 A It was my yard.

11 Q Was there a Referendum 71 sign at the church?

12 A No.

13 Q Did you have a Referendum 71 bumper sticker on your car?

14 A Yes.

15 Q Did you have one on your wife's car?

16 A We had only one car in 2009.

17 Q In addition to signing the petitions, did you ever go out in
18 public holding a Referendum 71 sign?

19 A Yes.

20 Q And can you estimate on how many days you did that?

21 A Twice.

22 Q Do you remember where you were?

23 A Yeah. It was the Longview-Kelso Bridge.

24 Q Why did you pick that location?

25 A Pretty good exposure.

EGELER ([REDACTED], 9/15/10)

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1 Q By that, do you mean that there's a lot of traffic?

2 A Lot of traffic.

3 Q Did you go with anyone else when you did that?

4 A Yes.

5 Q Who did you go with?

6 A We had group of people on Facebook, R71 team, so . . .

7 Q Who was on the R71 team that you just referred to?

8 A You want me to name people?

9 Q Let's wait a moment. How many people were on the team?

10 A I would say we had on the bridge, we had about 60 to 70
11 people.

12 Q And they were from your R71 team, correct?

13 A Well, I wouldn't say my R71 team. It was supporters of the
14 cause.

15 Q Were these supporters church members?

16 A Probably some of them were, but some weren't, so there was
17 people I met for first time.

18 Q Were you the primary organizer of these two events?

19 A No.

20 Q Who was?

21 A Primary organizer was my sister.

22 Q And her name?

23 A Her name is [REDACTED]. She moved to [REDACTED].

24 Q Same last name?

25 A No.

EGELER ([REDACTED], 9/15/10)

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1 Q What is her last name?

2 A [REDACTED]

3 Q You talked about Facebook. Were these two events where
4 signs were held at the Longview-Kelso Bridge advertised on
5 Facebook?

6 A Yeah.

7 Q Were these on your sister's Web site?

8 A No. It was Facebook, so I don't know if you call it Web
9 site or not. She just created this page.

10 Q So it was a Facebook page --

11 A Facebook page --

12 Q -- that your sister controlled?

13 A -- that my sister started.

14 Q And do you know how many people had access to that Facebook
15 page?

16 A No.

17 Q Did the same 60 or 70 people come to each of the two sign
18 waving events?

19 A I would say, for most part, it was same people.

20 Q As the pastor of the church, have you taken a public
21 position on same sex marriage?

22 A Explain yourself.

23 Q Have you taken a position? Have you spoken to your
24 congregation about gay marriage?

25 A As a pastor of the church, I speak on moral issues all the

EGELER ([REDACTED], 9/15/10)

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1 time, including homosexuality.

2 Q Have you specifically spoken about gay marriage to your
3 congregation?

4 A I don't know what you mean by "specific" because we don't
5 seem to allow these issues. We speak on issues of sin and,
6 of course, I spoke on gay marriage as well.

7 Q Did you ever speak to the congregation about the importance
8 of voting on Referendum 71?

9 A I can't remember that.

10 Q Do you remember if you spoke to your congregation or
11 encouraged them to sign the Referendum 71 petitions?

12 A I spoke to people about the importance of marriage and
13 importance of defending it.

14 MR. PIDGEON: I'm going to place an objection as
15 to the form of the question, that the question is
16 duplicative and compound in that it asks two questions,
17 whether or not [REDACTED] spoke to members of the
18 congregation and whether or not he spoke as a pastor. I'm
19 not sure the question is clear.

20 MS. EGELER: I'll note for the record that the
21 objection is untimely and, therefore, inappropriate.

22 MR. PIDGEON: It's on the record anyway, and it's
23 not untimely.

24 Q (By Ms. Egeler) In addition to gathering signatures and
25 holding signs up in public, did you also observe the

EGELER ([REDACTED], 9/15/10)

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1 checking of signatures on the petitions at the Washington
2 State Secretary of State's office?

3 A Yes.

4 Q And did someone ask you to do that?

5 A I pretty much was aware of the whole thing, so it was not
6 like I didn't know. I was very in to it, so it's not that
7 somebody asked. I just went there and learned about the
8 stuff.

9 Q So when you say you were pretty much aware of it, do you
10 mean you were aware of the Secretary of State's office
11 checking petition signatures?

12 A Of course. I was following these very closely.

13 Q And how many times did you go to observe the checking of the
14 signatures?

15 A I believe two times.

16 Q Do you recall seeing at the Secretary of State's office any
17 media?

18 A I don't.

19 Q Do you recall seeing --

20 A I've seen lady with camera, but I don't really know who she
21 was.

22 Q Okay.

23 A She never introduced herself to me, but I don't recall.

24 Q So you saw a lady with a camera.

25 A Yeah.

EGELER ([REDACTED], 9/15/10)

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1 Q Did you see any news cameras, like television news programs?

2 A No.

3 Q Did you see people there that you knew had a contrary
4 position with regard to Referendum 71? And by that, I mean
5 people who didn't want there to be enough signatures on the
6 petitions for the issue to go to the ballot.

7 A Say it again.

8 Q When you were at the Secretary of State's office, did you
9 see anyone there that you knew was opposed to Referendum 71
10 getting onto --

11 A Yeah, yes.

12 Q Let me finish my question first so we have a clear record.
13 I know you'll understand what I'm saying.

14 But anyone who was opposed to Referendum 71 getting on
15 the ballot?

16 A Yes.

17 Q Do you recall any of their names?

18 A No.

19 Q Do you recall approximately how many such people you saw?

20 A I never bothered to count.

21 Q But there were multiple people. Is that correct?

22 A Yeah.

23 Q Do you think that they were aware that you were -- excuse
24 me. Let me rephrase that.

25 Do you think that the people that we've just referred

EGELER ([REDACTED], 9/15/10)

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1 to that did not want Referendum 71 to get onto the ballot,
2 do you think that any of them were aware that you did want
3 it to get onto the ballot?

4 A I'm sure there were.

5 Q And when you went to observe the signature counting, did
6 you -- were you asked to sign in?

7 A Yes.

8 Q And was that sign-in sheet used by people who wanted the
9 initiative to get -- excuse me, the referendum to get on the
10 ballot as well as those who didn't want it to get on the
11 ballot?

12 A It was same sheet, I believe, for both parties.

13 Q Did you ever speak publicly -- other than at the church and
14 at the two events on the Longview-Kelso Bridge, did you ever
15 speak publicly about Referendum 71?

16 A By saying "public," you mean to large group of people or
17 just speak with other people?

18 Q To any group of people.

19 A No, I don't remember. Well, I spoke to people about this,
20 but I don't know what you mean really by "speaking
21 publicly."

22 Q Did you ever speak on the radio about Referendum 71?

23 A No.

24 Q Did you ever speak to a news reporter?

25 A No, I did not.

EGELER ([REDACTED], 9/15/10)

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1 Q Do you have a church --

2 A Now --

3 Q Excuse me.

4 A I did. When we were at the bridge, local [REDACTED] came
5 and spoke to some of us, so . . .

6 Q And by local [REDACTED] that's a local newspaper?

7 A Local newspaper.

8 Q Do you know the name of the newspaper?

9 A [REDACTED].

10 Q I'm sorry. I'm not from here. I didn't know that it was
11 called [REDACTED].

12 Did you provide your name to the reporter?

13 A Yes.

14 Q Do you know if a story was published in the newspaper?

15 A It was.

16 Q Was your name used in the story?

17 A It was.

18 Q Have you suffered any harassment or threats during the time
19 that you were supporting Referendum 71?

20 A Yes.

21 Q How many incidents?

22 A Well, what do you call an incident? Because it was
23 continuous thing.

24 Q Anything that you call an incident, anything you considered
25 harassment or a threat.

EGELER ([REDACTED], 9/15/10)

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1 A Well, I would say while we stood on the bridge, it would be
2 continuous throughout the day, you know. When I gathered
3 signature, I encountered twice.

4 Q So twice there were incidents when you were on the bridge?

5 A No.

6 Q No.

7 A When I was on the bridge, it would be throughout the day,
8 throughout us standing there because cars would pass by and
9 scream things at us and flip us and do things of this sort.
10 But when I was gathering signature on parkings, it was
11 twice.

12 Q Let's start with the bridge. When you were standing on the
13 bridge on both of those days, can you please tell me about
14 all incidents that you consider to be a threat or harassment
15 as a result of your connection to Referendum 71.

16 A I can't really tell you about all because I never bothered
17 to count them. I know people would shout profanity out of
18 the window and show fingers. And there was one occasion
19 when somebody just pull off pants and moon us through the
20 window of the vehicle.

21 Q That was once someone mooned?

22 A It was once.

23 Q They were in their vehicle when it happened?

24 A In the vehicle.

25 Q Anything else during the time you were on the bridge?

EGELER ([REDACTED] , 9/15/10)

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1 A No. That was it.

2 Q When people were shouting, what did they say? If it was
3 profanity, just indicating profanity is fine. Did they say
4 anything other than profanity?

5 A I'll just say "beep" because it was profanity.

6 Q Did they make any statement about Referendum 71 specifically
7 or were they just swearing?

8 A There was no dialogue. They would pass by in the vehicle.
9 Nobody bothered to stop by.

10 Q And the people that you said were flipping you off, was
11 there any dialogue with them?

12 A We had no dialogue.

13 Q And the individual that was mooning, was there any dialogue?

14 A No. There was no dialogue.

15 Q When you were on the bridge, did anyone have any indication
16 either through a sign, a pin, a shirt, that they were
17 connected to your church?

18 A No.

19 Q Was anyone carrying a cross or any other religious symbol?

20 A No.

21 Q Was there any showing of connection to any other
22 organization?

23 A No.

24 Q The incident regarding the mooning, do you remember what the
25 vehicle looked like?

EGELER ([REDACTED], 9/15/10)

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1 A I don't remember year and make. What I remember, it was
2 underage person. It was more of a -- it wasn't even adult,
3 yeah.

4 Q So it was a kid that was doing that?

5 A It was. It was -- there was adults in the front seat and
6 kid in the back seat.

7 Q So an adult was driving and a kid did the mooning?

8 A Yeah.

9 Q Did the car stop or was it continuing to move across the
10 bridge?

11 A It continued to move.

12 Q Did you personally see it or did you hear it from someone
13 else?

14 A I've been told.

15 Q Who told you?

16 A I wouldn't feel comfortable to give out name without talking
17 to this person first, even though I have a hard time to
18 recollect right now, but I've been told there was much
19 happening on the bridge.

20 Q But you do know who told you?

21 A I can't remember now.

22 Q So you don't know who told you?

23 A I don't. I don't remember.

24 Q And you're stating that because you don't remember,
25 rather --

EGELER ([REDACTED], 9/15/10)

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1 A I don't remember who exactly told me --

2 Q Okay.

3 A -- about this.

4 Q But you did not personally see --

5 A I didn't personally see this.

6 Q How about the individual that was flipping the group off?

7 Did you personally see that?

8 A It was not individual. It was many individuals and I've

9 seen many of this.

10 Q And did you personally witness the individuals that drove by
11 shouting profanities?

12 A Yes.

13 Q And did these incidents happen, with the exception of the
14 mooning, on both days that you were on the bridge?

15 A Yes.

16 Q And the mooning just happened --

17 A Once. I've heard about it just once.

18 Q Did you feel the need to call the police about this behavior
19 that was occurring with the drivers?

20 A I didn't.

21 Q Did anyone in the group feel the need to call the police?

22 A Somebody expressed concerns.

23 Q Somebody in the group?

24 A Somebody in the group.

25 Q Do you remember who that was?

EGELER ([REDACTED], 9/15/10)

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1 A No.

2 Q Did they, in fact, call the police?

3 A No.

4 Q Do you know why not?

5 A I don't.

6 Q Did anything else of any sort happen while you were on the
7 bridge?

8 A I think I pretty much told you all that happened there.

9 Q Did you tell me all that happened or pretty much all?

10 A All I can recollect right now.

11 Q Is there something that would help you recollect in the
12 future?

13 A I --

14 MR. PIDGEON: Objection; calls for speculation.

15 You can answer, if you want.

16 A Probably talking to people, to other people who was there
17 would help me or thinking about this. I never really
18 bothered. We stood there. I knew what I was expecting, so
19 I pretty much expected to happen what happened; therefore, I
20 never really bothered to pay much attention. I was standing
21 there for my cause.

22 Q (By Ms. Egeler) And why did you pretty much expect that to
23 happen?

24 A Because it's common behavior. We've been called haters,
25 bigots, all sorts of names. So when I went to the bridge, I

EGELER ([REDACTED], 9/15/10)

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1 knew what to expect from the other side.

2 Q Have you ever taken public action of this sort with respect
3 to any other political issue? By "of this sort," I mean
4 standing publicly with a sign endorsing a candidate or an
5 issue.

6 A No.

7 Q Do you have a church Web site?

8 A Yes.

9 Q Did the church Web site at any point in 2009 contain any
10 information about Referendum 71?

11 A As far as I remember, it didn't, but I'm not the one who
12 runs Web site, so . . .

13 Q Do you have a church newsletter?

14 A No.

15 Q Do you have any other church communication to the people who
16 attend?

17 A No.

18 Q You mentioned that in addition to what happened at the
19 bridge, there were also some incidents that you would
20 consider to be harassment or threats during the signature
21 gathering.

22 A Yeah.

23 Q Can you tell me about those?

24 A One happened at the WinCo parking lot when young man came
25 and start to pretty much shout profanity and he called me

EGELER ([REDACTED], 9/15/10)

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1 Christian fascist. He told me to get out of here. I was
2 with my wife, by the way. My wife was with me when this
3 happened. He would pretty much follow us wherever we would
4 go for, I would say, about 20, 25 minutes.

5 Q Do you remember what the young man looked like?

6 A Yes, I do. He was about 19, 21 years of age. He was little
7 shorter than I am.

8 Q You are how tall?

9 A I'm about six feet, so -- yeah. He appeared a little chubby
10 to me, but that's all I can remember.

11 Q And you said that he was shouting profanity?

12 A Yes.

13 Q Did he shout anything other than profanity?

14 A As I told you, he called us Christian fascists. He said,
15 "Take your fat butts out of this place and" -- but for most
16 part, it was just words I wouldn't like to repeat.

17 Q I understand.

18 Was there any dialogue he engaged in with respect to
19 Referendum 71?

20 A He didn't. We asked him to behave civilly, to which he
21 responded you taking my rights away from me and he would
22 continue on with profanity.

23 Q Did he indicate his position with regard to Referendum 71?

24 A There was no civil dialogue between us.

25 Q And you said he followed you for 20 to 25 minutes?

EGELER ([REDACTED], 9/15/10)

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1 A Yes.

2 Q Do you know why he left?

3 A I don't.

4 Q Did you ask him to leave?

5 A I asked him multiple times.

6 Q Did you call the police?

7 A No, I didn't.

8 Q Did your wife?

9 A No, she did not.

10 Q And why is that?

11 A Well, I didn't feel like it.

12 Q Did you feel that you or your wife were physically
13 threatened by this young man?

14 A Mostly verbally abused because I didn't really feel being
15 threatened by this man.

16 Q Did anything else happen in the WinCo parking lot?

17 A No.

18 Q And you said there was another incident that occurred?

19 A Yes.

20 Q Can you tell me about that?

21 A It was on Lake Sacagewea.

22 Q Again, that's the park in town?

23 A Park in town during 4th of July event when there is lot of
24 people. It was male, about 30, 34 years of age, but this
25 guy just screamed profanity to my face and he walked away,

EGELER ([REDACTED], 9/15/10)

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1 so . . .

2 Q How close to you did he come?

3 A He was screaming right into my face.

4 Q So --

5 A It was very uncomfortably close.

6 Q Within a foot of you?

7 A I would say it was about this far.

8 Q For the record, you were holding your hand in front of your
9 face?

10 A I would say about a foot of me.

11 Q About a foot of you?

12 A Yeah.

13 Q So he was about one foot away and he screamed profanity?

14 A Yes.

15 Q Did he make a statement about Referendum 71?

16 A There was no dialogue.

17 Q And were you with anyone else?

18 A I was there by myself.

19 Q Do you recall whether you were wearing any indication of
20 your religion?

21 A No.

22 Q You don't recall or you weren't wearing?

23 A I weren't wearing.

24 Q And when this man screamed profanity at you, do you recall
25 whether -- I guess we can't put it in terms of sentences.

EGELER ([REDACTED], 9/15/10)

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1 It doesn't sound like that type of communication. Do you
2 recall how long he was speaking to you?

3 A No. It wasn't long. It was in few sentences and he walked
4 away.

5 Q Did you respond to him?

6 A He didn't give me any chance really. He said what he wanted
7 to. He walked away.

8 Q But, again, just to make sure I understood, all of what he
9 said was profanity?

10 A It was profanity.

11 Q And did you feel the need to contact the police about that
12 incident?

13 A No.

14 Q Why is that?

15 A I'm pretty large size guy and I don't really feel that he
16 was of -- it was very public place, lot of people was there,
17 so it wasn't pleasant experience; however, I didn't feel
18 being threatened by him.

19 Q And would you say that you considered that to be verbal
20 harassment but not physical?

21 A It would be verbal.

22 Q So you did not feel physically threatened?

23 A I did not.

24 Q Did any other incidents of harassment or threats, in your
25 opinion, occur?

EGELER ([REDACTED], 9/15/10)

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1 A My name appeared on some Web site, I believe [REDACTED]
2 [REDACTED] or something like that. Let me -- it was -- I
3 think the name of it was -- it's either [REDACTED] or
4 Tax something. [REDACTED], something like
5 this.

6 Q You said your name appeared there?

7 A My name appeared there. They had -- they were on list of
8 names. Web site pretty much called people to arms to defend
9 their rights, and my name appeared there as one of the
10 haters on that list.

11 Q And you don't recall exactly the Web site address?

12 A I believe I can find if I have to, but I think Web site was
13 called [REDACTED] -- I mean .blogspot.com, if I
14 am correct, but there could be an error.

15 Q Do you remember who else was listed or if anyone else was
16 listed?

17 A There was few other people from this town that stood with me
18 on the bridge and their names appeared in newspaper. This
19 is how I think they've got ahold of our names.

20 Q Okay.

21 A But everyone who was in newspaper in the article was listed
22 there as a hater.

23 Q You earlier talked about a reporter from [REDACTED]
24 talking to you and some other people on the bridge.

25 A Yeah.

EGELER ([REDACTED], 9/15/10)

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1 Q And that your name and those other people's names were
2 listed in the paper. Is this the same story that you think
3 the people at the Web site got the names from?

4 A It could be. I don't know where they got it from, but
5 everyone who was in the article appeared on that list.

6 Q And you said the Web site called people to arms. Is that
7 exactly what it said? We're calling you to arms?

8 A I have to visit this Web site again to say exactly what it
9 said, but it was very aggressive.

10 Q Did you contact the police about this Web site?

11 A No, I did not.

12 Q Why not?

13 A I believe at this time there was awareness of this Web site
14 already.

15 Q Awareness on the part of the police?

16 A Yes.

17 Q What gave you that belief?

18 A I knew -- I think I received some news. It's either from
19 Protect Marriage or -- I can't remember right now how I
20 received this news, but I've been told that this Web site on
21 radar already, so . . .

22 Q On the radar of the police?

23 A Of the police, yeah.

24 Q You think that Protect Marriage Washington told you --

25 A I would drop the statement because I don't -- I can't say

EGELER ([REDACTED], 9/15/10)

Page 33

1 exactly if it was them or somebody else, but somebody else
2 told me that this particular Web site already -- it was on
3 the news somehow.

4 Q And did whoever spoke with you indicate that the police
5 would be doing something to protect you from these people?

6 A No. I have not heard anything like that.

7 Q But you weren't concerned about your safety?

8 A My personal safety, I would rather say I was concerned about
9 safety of other people, but this Web site was, from what I
10 understood, from Bellingham somewhere and, therefore, being
11 out of the area, I would be rather concerned about people
12 who live closer to whoever runs this blog.

13 Q I believe you stated earlier that all of the people that you
14 saw listed on this Web site were people that you stood with
15 on the bridge. Is that correct?

16 A Yes.

17 Q Did they all live locally in the Longview-Kelso area?

18 A Yes.

19 Q So you were not concerned about them and their safety
20 because the Web site was generated in Bellingham, correct?

21 A I believe so. I believe Bellingham. I cannot say for sure
22 right now, but I think it was Bellingham.

23 Q Do you know or did you hear from any of the other
24 individuals listed that they were afraid for their safety?

25 A I have not heard from them.

EGELER ([REDACTED], 9/15/10)

Page 34

1 Q And you stated that you were concerned about the safety of
2 others, but you weren't concerned enough to contact the
3 police?

4 A I was concerned enough to make sure that this people know
5 that their name is on that list.

6 Q But not concerned enough to contact the police about it?

7 A Actually it was not me, but my sister who found this blog
8 post and she e-mailed to everybody who was listed there, so
9 I'm sure if anyone would be concerned, they would call.

10 Q And do you know if anyone did call the police?

11 A No, I don't.

12 Q Did you experience any other incidents that you considered
13 to be harassment or threats?

14 A No.

15 Q Did you witness anybody else experiencing what you
16 considered to be harassments or threats?

17 A Just by standing on the bridge next to other people, that's
18 all I witnessed.

19 Q Did you stand on the bridge on those two occasions before or
20 after Referendum 71 was placed on the ballot?

21 A Say it again.

22 Q When you stood on the bridge on those two occasions, was
23 that after Referendum 71 had qualified --

24 A Yes.

25 Q -- to be placed on the ballot?

HAMILTON ([REDACTED] , 9/15/10)

Page 35

1 A Yes, after.

2 Q And I assume it was before the election occurred. Is that
3 correct?

4 A Yes.

5 Q Both events were before the election?

6 A Yes.

7 Q Have you experienced anything that you considered to be
8 threats or harassment related to Referendum 71 after the
9 election was held?

10 A No.

11 Q Have you witnessed anyone else experiencing what you
12 considered to be threats or harassment after the election?

13 A I have not.

14 Q And, again, just to be clear, are there any incidents that
15 you considered to be threats or harassment related to
16 Referendum 71 that we have not yet discussed?

17 A I believe I told you all.

18 MS. EGELER: Okay. I have no further questions.

19 EXAMINATION

20 BY MS. HAMILTON:

21 Q Hi, Pastor. My name is Jessica Hamilton. I'm an attorney
22 at the law firm of Perkins Coie in Portland, and I represent
23 Washington Families Standing Together.

24 Are you familiar with who Washington Families Standing
25 Together is?

HAMILTON ([REDACTED] , 9/15/10)

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1 A Yes.

2 Q So you know that it's a coalition of civil rights groups and
3 churches and others who supported -- who opposed
4 Referendum 71?

5 MR. PIDGEON: Objection to the form of the
6 question.

7 Q (By Ms. Hamilton) Do you know that Washington Families
8 Standing Together is a group of civil rights groups,
9 churches, and others who opposed Referendum 71?

10 A Yes.

11 Q It may sound like I'm going backwards from your previous
12 examination, but I want to kind of fill in some of the gaps
13 in my mind, so bear with me, if you would.

14 You are a Washington registered voter. You testified
15 earlier that you're a Washington registered voter. Is that
16 correct?

17 A Yes.

18 Q Do you know when you first registered in the state of
19 Washington?

20 A As soon as I moved to Washington.

21 Q When was that?

22 A In 2004, I believe.

23 Q 2004.

24 Did you vote in the election in 2004?

25 A I did.

HAMILTON ([REDACTED], 9/15/10)

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1 Q I know.

2 A I didn't keep all these details in my head.

3 Q Do you think it was more than 50?

4 A No.

5 Q Do you think it was more than ten?

6 A No.

7 Q So it was less than ten?

8 A Yeah.

9 Q You previously mentioned that you spoke about the issue of
10 gay marriage to your congregation. Was that in a sermon
11 that you've spoken about gay marriage?

12 A I spoke about homosexuality, not gay marriage.

13 Q So specifically about homosexuality in a sermon?

14 A As I already mentioned, I speak on moral issues all the
15 time. It seems to me that you're trying to single out this
16 particular issue. There was no sermon just for this issue,
17 but certainly I spoke and I do speak about homosexuality in
18 [REDACTED].

19 Q Do you know if you spoke about homosexuality in the church
20 around the same time that Referendum 71 petitions were being
21 signed?

22 A I did.

23 Q Do you recall what you said?

24 A Do you want me to print sermon?

25 Q Do you have a sermon printed?

HAMILTON ([REDACTED] , 9/15/10)

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1 Q And have you voted in every election since 2004?

2 A I voted in presidential election.

3 Q In the presidential election?

4 A Yeah.

5 Q Have you voted in state elections since 2004?

6 A Just last -- when was it? Was it 2008?

7 Q 2008?

8 A In 2008.

9 Q You said you moved to Washington in 2004.

10 Prior to your move to Washington, where did you live?

11 A Oregon.

12 Q Oregon.

13 When did you move to Oregon?

14 A I moved to Oregon in 1999, I believe.

15 Q Did you register to vote in Oregon?

16 A Yes.

17 Q And did you vote in the election?

18 A Presidential elections only.

19 Q What was your occupation when you were living in Oregon?

20 A Pastor of the church.

21 Q Which church?

22 A [REDACTED].

23 Q And where was that church?

24 A In [REDACTED].

25 Q Did you have any other employment while you were living in

HAMILTON ([REDACTED] , 9/15/10)

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1 A No.

2 Q Do you have a sermon in your computer that could be printed?

3 A No.

4 Q Do you recall what you said about -- do you recall what you
5 said about Referendum 71?

6 A I don't recall anything about Referendum 71, but I spoke
7 about homosexuality in the church. To repeat word for word
8 my sermon, I feel awkward because it was some time ago.

9 Q Sure.

10 A Yeah. So I can give you general idea.

11 Q Okay.

12 A Yeah. Well, Bible condemns homosexuality as a sin;
13 therefore, we Christians oppose it. We do not oppose people
14 who practice such thing because they just fall into category
15 of any other sin, but we oppose the lifestyle as much as we
16 oppose adultery, idolatry, fornication, and such, so that
17 would be somewhere along these lines.

18 Q Did you draw a connection at all to your beliefs of
19 homosexuality as a sin in accordance with the Bible and
20 Referendum 71?

21 A I didn't draw this connection, but I was clear that there
22 are times when we need to defend marriage.

23 Q And you were clear in the sermon that this might be one of
24 those times to defend marriage?

25 A Yes.

HAMILTON ([REDACTED] , 9/15/10)

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1 Q Were petitions available at the church?

2 A Yes.

3 Q In the sanctuary or just outside of the sanctuary?

4 A Well, if you would be in the building where we're having a
5 church, you wouldn't ask this question.

6 Q I apologize. Were they in the area that you and the
7 parishioners gather to worship?

8 A Yes.

9 Q Did you ever tell your congregants that petitions were
10 available, if they wanted to sign them?

11 A Yes.

12 Q Did anyone else at your church ever tell your congregants
13 that petitions were available, if they wanted to sign them?

14 A I can't remember.

15 Q Did anyone gather petitions outside of the church?

16 A Did anyone gather petitions?

17 Q I'm sorry. Gather signatures for the petitions outside of
18 the church.

19 A Right outside of the church, no.

20 Q Skipping to this incident on the Kelso-Longview Bridge, you
21 never felt physically threatened -- did you ever feel
22 physically threatened while you were on the Kelso-Longview
23 Bridge?

24 A I felt disgusted. I would say I felt verbally harassed, but
25 physically threatened, personally I didn't.

HAMILTON ([REDACTED] , 9/15/10)

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1 Q Do you know if anyone else felt --

2 MS. EGELER: If I can interject. I don't think
3 the court reporter got last part of your answer.

4 THE COURT REPORTER: He said I didn't.

5 Q (By Ms. Hamilton) Did anyone tell you they felt physically
6 threatened?

7 A Nobody talked to me. During collecting signatures, however,
8 several people told me that they would not sign because they
9 feel threatened.

10 Q So people told you that they would otherwise sign, but --

11 A They would say, "We support the issue, but at this time we
12 don't want to leave our name and address on this petition."

13 Q In the news story that was written in [REDACTED], do you
14 know if that news story identified you as being a supporter
15 of R71, Referendum 71?

16 A Yes.

17 Q Do you know if it also identified you as being the pastor of
18 [REDACTED]?

19 A I can't remember.

20 Q Getting back to one of the incidents you described where the
21 kid mooned your group on the bridge -- I should clarify.
22 The kid was in a vehicle, in the back seat of a vehicle and
23 mooned you, you previously testified that you did not
24 personally see it. Is that correct?

25 A I did not see it personally.

HAMILTON ([REDACTED], 9/15/10)

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1 Q And this is just a clarification question. You were also
2 asked if you remembered who saw it and you said --

3 A There was much going on, on the bridge, and right now I
4 can't remember. There was much activity happening and
5 people would talk back and forth, so . . .

6 Q Do you know -- do you remember if you knew at the time who
7 told you about this incident?

8 A If I knew at the time? Do I remember if I knew at the time?

9 Q I know it's awkwardly worded. I'm sorry. Do you understand
10 the question?

11 A I probably would if I, you know . . .

12 Q My question goes to: Did you know the person who told you
13 about it when the person was telling you about it, but now
14 you just can't recall?

15 A This is just awkward question. I don't remember person
16 right now. I can inquire within people that I know of, but
17 you know, if I don't remember now, I can't say -- I remember
18 hearing it.

19 Q You remember hearing it?

20 A Yeah.

21 Q Do you think you might have heard it from someone who was
22 also repeating it from something that they heard or . . . ?

23 A I think you're taking it too far.

24 Q Do you know if you heard about this incident from someone
25 who witnessed it firsthand?

HAMILTON ([REDACTED] , 9/15/10)

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1 A I can't tell you that.

2 Q Because you don't remember it? You can't tell me that
3 because you don't remember?

4 A Well, your question is -- let's go back. You said if they
5 witnessed it firsthand, because I don't -- how can I connect
6 this to whether I remember or not? How would I know if
7 they're firsthand witness it or secondhand witness?

8 Q I'm asking: Do you recall when they were describing the
9 incident to you whether they --

10 A I think I answered your question. I just -- it's some sort
11 of trivia that I'm not following.

12 Q Let me just ask it one more time and let's see if we can get
13 an answer.

14 A Okay.

15 MR. PIDGEON: Let's don't. Objection; asked and
16 answered.

17 Q (By Ms. Hamilton) You can go ahead and answer my question.
18 When you heard about the mooning incident from this person,
19 do you remember if this person was recounting to you an
20 eyewitness account of the mooning?

21 A I don't remember.

22 Q In the incident at Lake Sacagewea where -- the 4th of July
23 incident where you were gathering signatures, you were by
24 yourself?

25 A I was by myself.

PIDGEON ([REDACTED], 9/15/10)

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1 R71?

2 A I have not.

3 Q Have you heard of any other people who have?

4 A I have not.

5 MR. HAMILTON: I'm done.

6 MS. EGELER: Mr. Dixson, do you have any
7 questions?

8 MR. DIXSON: No, I do not.

9 MS. EGELER: I have a few follow-up questions.

10 MR. PIDGEON: I have a few follow-ups as well.

11 MS. EGELER: Why don't you go first.

12 EXAMINATION

13 BY MR. PIDGEON:

14 Q Mr. [REDACTED], you grew up in [REDACTED]?

15 A Yes.

16 Q And what is generally the reputation of the police in
17 [REDACTED]?

18 A Generally by common men, it would be viewed as very bad
19 thing.

20 Q Is it common practice in the [REDACTED] social order for a
21 person to call the police to ask them for their assistance
22 in some kind of a function?

23 A No. Calling police, I guess it would be last reserve
24 option. Usually calling police is asking for more trouble.

25 Q So when you were asked here if you -- it was just not your

PIDGEON ([REDACTED] , 9/15/10)

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1 habit to call the police in the event of some kind of a
2 confrontation like you had at --

3 MS. EGELER: Objection to the characterization of
4 the question.

5 A It is not my habit to call the police.

6 Q (By Mr. Pidgeon) Now, when you mentioned earlier that you
7 did not feel threatened by the individuals who were
8 screaming profanity in your face, did that have to do with a
9 concept in your mind that if it came to physical violence
10 you could handle the situation yourself?

11 MS. HAMILTON: Objection.

12 MS. EGELER: Objection; leading the witness.

13 Q (By Mr. Pidgeon) You can answer.

14 A I would like to -- say it again.

15 Q If the person confronting you with the profanity had
16 physically attacked you, do you believe you could have
17 handled yourself?

18 A I believe so.

19 Q In both cases?

20 A I believe I'm able to defend myself.

21 Q Would it bother you at all if that person had your home
22 address and was able to go to your house without you being
23 there?

24 A I wouldn't feel comfortable. It would.

25 Q Did you, when you signed the petition, did you put your home

EGELER ([REDACTED], 9/15/10)

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1 address on the signature line?

2 A I did.

3 Q And did your wife also sign the petition?

4 A She did.

5 Q Did she put her home address on there as well?

6 A She did.

7 Q Now, in terms of Washington Families Standing Together, do

8 you know of the 165 groups that constitute Washington

9 Families Standing Together? Do you know who they are?

10 A No.

11 Q Do you know whether or not one of the primary groups is

12 Acorn?

13 A I do not know.

14 Q Do you know whether or not any members of Acorn have been

15 arrested for election fraud in the state of Washington?

16 A Say it again.

17 Q Do you know whether or not any members of Acorn have been

18 arrested and convicted for election fraud in the state of

19 Washington?

20 A I do not know.

21 MR. PIDGEON: I have nothing further.

22 EXAMINATION

23 BY MS. EGELER:

24 Q Pastor, you stated that you had several people who would

25 not sign the petition. Can you tell me about each of those

EGELER ([REDACTED], 9/15/10)

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1 incidents?

2 A It was many; therefore, I cannot tell you. One that's
3 standing out to me, one lady come out of the white Jeep, and
4 she said, I'm with you, but this day and time, I'm not
5 signing, or I'm not putting my address on anything, and she
6 walked away. But numerous time people would say, We support
7 the cause, but we don't want to sign it.

8 Q That incident that you just talked about the lady came out
9 of her vehicle and made --

10 A Yeah.

11 Q -- that statement to you, where were you when that occurred?

12 A I was at Marketplace parking lot, Marketplace here in town,
13 and my wife was with me.

14 Q Marketplace is the name of a supermarket, correct?

15 A Yeah.

16 Q When this woman made this statement to you, did she state
17 why she would not sign?

18 A Well, I just told you why.

19 Q Did she state anything in addition to what you told me?

20 A No.

21 Q So she did not indicate any fear of signing, simply that she
22 would not sign at this time?

23 A No. Actually, it was fear.

24 Q How do you know?

25 A Well, because she said, "At this day and time, I don't want

EGELER ([REDACTED], 9/15/10)

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1 to leave my address anywhere, my name and address anywhere."

2 Q Do you know if she was willing to leave her name and address
3 other places?

4 A How would I know that?

5 Q I'm asking a question. It's a yes or no question.

6 A Well, probably she would, if she wouldn't feel threatened,
7 but she told me clearly, "I do support the cause, but I
8 don't want to leave my name and address on this petition."

9 Q Do you know if she ever signs any petitions?

10 A I never met her before.

11 Q Did she state to you if she ever signs any petitions?

12 A We didn't have dialogue.

13 Q So you don't know if she makes it her practice to never sign
14 any petitions?

15 A I don't know.

16 Q Let's go through any others that you remember making
17 statements to you that they supported your cause but would
18 not sign.

19 A It was numerous.

20 Q How many?

21 A More than once. I would say I personally probably
22 encountered minimum of ten, but other people that I knew of
23 that was gathering signatures told me the same story.

24 Q Let's talk about what you personally experienced.

25 A Yeah.

EGELER ([REDACTED], 9/15/10)

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1 Q You are confident it happened more than once, correct?

2 A It occurred more than once.

3 Q You're confident it happened at least ten times?

4 A Ten or less.

5 Q Ten or less?

6 A Yes.

7 Q So no more than ten?

8 A No more than ten.

9 Q With each of those incidents, do you recall what the
10 individual said?

11 A No.

12 Q Do you recall whether the individual stated whether they
13 make it a practice to never sign any petition?

14 A I never heard about having a practice. They just said they
15 wouldn't sign this one.

16 Q They stated they wouldn't sign this one. Did they also
17 state specifically -- do you recall them stating that they
18 were afraid to put down their name and address?

19 A There was nothing about fear, but people would say, I would
20 like -- I would sign -- I would support the cause or I would
21 sign the petition, but I don't want to leave my name on it,
22 my name and address. Nobody said because I'm terrified.

23 Q And did they say anything to you that would allow you to
24 know with certainty whether it was simply their practice to
25 never sign a petition, even if they supported it, or whether

EGELER ([REDACTED], 9/15/10)

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1 there was something special about this petition that caused
2 them to not sign?

3 A They knew the cause of this petition and they refused to
4 sign it, even though they supported. This is all I can tell
5 you. Whether it's their practice, I'm not that personally
6 attached to everybody who signed petition.

7 Q So in answer to my question, you don't know what their
8 practice is with regard to other petitions?

9 A I don't know what their practice is.

10 Q And if I'm correct, you stated that you've been in the
11 United States since 1992?

12 A Correct.

13 Q So you've been here for approximately 18 years?

14 A Yes.

15 Q In that period of time, in those 18 years, have you ever had
16 a negative encounter with a United States police officer or
17 a state of Washington or a state of Oregon police officer?

18 A No.

19 Q Have you ever had a negative encounter with a police officer
20 from Lewis County or from the city of Longview or Kelso?

21 A No, I did not.

22 Q Have you ever had any encounter whatsoever with a police
23 officer in the United States, positive or negative?

24 A I'm law abiding citizen. I was pulled, you know, to the
25 side of the road. I've got a couple of tickets for

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

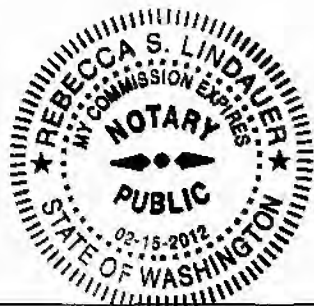
That the foregoing deposition of [REDACTED] [REDACTED] was taken before me and completed on the 15th day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of [REDACTED] [REDACTED] and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal of this 17th day of September, 2010.



Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.

Exhibit 1-2

Exhibit to Pls.' Statement of Material
Facts
(Case No. 3:09-cv-05456-BHS)

Exhibit 1, Page 45

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual; JOHN
DOE #2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity
as Secretary of State of Washington;
BRENDA GALARZA, in her official
capacity as Public Records Officer
for the Secretary of State of
Washington,

Defendants.

No. 09-CV-05456-BHS

Deposition Upon Oral Examination
Of

Taken by: Tracey L. Juran, CCR
CCR No. 2699

September 24, 2010

Everett, Washington

Tracey Juran, Certified Court Reporter

1 Be it remembered that the deposition upon oral
2 examination of [REDACTED] was taken on
3 September 24, 2010, at the hour of 8:56 a.m. at 3501
4 Colby Avenue, Suite 200, Everett, Washington, before
5 Tracey L. Juran, CCR, Notary Public in and for the State
6 of Washington residing at Edmonds, Washington.

7 Whereupon the following proceedings were had,
8 to wit:

9 * * * * *

10 [REDACTED], having been first duly sworn on
11 oath by the Notary Public to tell
12 the truth, the whole truth, and
13 nothing but the truth, was deposed
14 and testified as follows:

14 EXAMINATION

15 BY MS. EGELER:

16 Q. Good morning, [REDACTED]

17 A. Morning.

18 Q. My name is Anne Egeler and I am with the state Attorney
19 General's Office, and I represent Sam Reed and the
20 defendants in the Doe v. Reed case.

21 Before we begin, I wanted to outline a few simple
22 rules for depositions. We're being transcribed by our
23 court reporter, Tracey, and it's important that we make
24 her life easy, and we can do that by not speaking over
25 each other. So if we can make sure that the other

Tracey Juran, Certified Court Reporter

1 Q. Did you go to any meetings about Referendum 71?

2 A. Not that I recall.

3 Q. And were you quoted in the media, print or TV or radio,
4 as endorsing Referendum 71?

5 A. Not that I recall apart from what we've looked at
6 already.

7 Q. I understand you experienced what you believe to be
8 harassment or threats of reprisals as a result of your
9 support of Referendum 71; is that correct?

10 A. Yes.

11 Q. Let's go through and discuss each of those. It's very
12 important that we cover every such instance. So I'll
13 let you begin wherever you would like.

14 A. Okay. I do have notes from those contacts, so I'd like
15 to refer to those if I can. The first call received at
16 the church came to my office on July 27th of 2009.

17 Q. I'd like to stop for -- well, stop and ask you a
18 question first.

19 As part of this deposition, you were asked to bring
20 with you any electronic or paper documents you have that
21 evidence the harassment or threats you've received. Did
22 you take a look and see if you have anything responsive?

23 A. Yes, and I brought what I have.

24 Q. Then I'm going to take a break. If I could please get a
25 copy of those materials.

1 A. Sure.

2 Q. Did you bring a copy for me?

3 A. I did not.

4 Q. Then I'm going to run over to the copy machine.

5 A. These are --

6 Q. I'll let you --

7 MS. EGELER: Okay, I'll be right back.

8 [Off the record - discussion]

9 [Exhibits 7 and 8 marked for identification]

10 Q. (by Ms. Egeler) Pastor, after that quick break to make
11 some copies, we now have two more exhibits. Exhibit
12 No. 7 is a declaration of [REDACTED] and it is
13 dated August, no day listed, 2009 and it is a three-
14 page, single-sided exhibit. And Exhibit No. 8 is a two-
15 page exhibit that states at the -- in the top-left-hand
16 corner [REDACTED]" and is a series of Emails.
17 Looking at Exhibit -- what -- Exhibit No. 8 to the
18 deposition, is this what you were referring to when you
19 began to speak about harassment that you've experienced?

20 A. Yes.

21 Q. And is this all that you were able to find in response
22 to the subpoena duces tecum?

23 A. Yes.

24 Q. So there's nothing else that would be responsive?

25 A. No.

1 Q. So you were just beginning to tell me about the
2 harassment that you feel you experienced.

3 A. Yes. And for my own clarity, if I could just read from
4 my Email here. The first call was received in my office
5 July 27th, 2009, from an individual who identified
6 herself as a transgender woman who had previously been
7 in special forces. The caller remained calm but
8 persistent in asking why I would want to limit her
9 rights.

10 After some statements back and forth, the caller
11 asked how I would like it if a number of friends were
12 brought to picket the church or to attend a morning
13 service. I responded that the church is certainly open
14 to all who wish to come, but that we expect all to
15 conduct themselves in a way appropriate to a public
16 worship service. I was assured that that would be the
17 case.

18 Q. Let's stop and talk about that first instance.

19 Was this individual harassing or threatening in any
20 way, in your opinion, or did you feel that she was
21 addressing you respectfully and appropriately in
22 disagreeing with your position?

23 A. I'd respond, as I note in my next paragraph, the caller
24 was reserved in tone; however, the spirit was certainly
25 one of challenge to the appropriateness of my stand.

1 The caller certainly also communicated that my stand
2 justified some kind of retaliatory action on his or her
3 part, so that I and others who were like-minded will pay
4 some kind of consequence for the expression of our
5 stand.

6 Q. And you talked earlier in this description of that phone
7 call about this individual coming to your church. Do
8 you think that that was the retaliation that she was
9 referring to?

10 A. I understood that that could be part of the retaliation.

11 Q. Did she state any other form of retaliation?

12 A. She did not.

13 Q. Did she threaten you with any physical harm?

14 A. She did not.

15 Q. Did she threaten any of your parishioners?

16 A. She did not.

17 Q. Did she threaten any sort of vandalism or damage to you
18 or the church's property?

19 A. She did not express that. I certainly perceived that as
20 a possibility.

21 Q. But not because she said that.

22 A. That's correct.

23 Q. And did anyone come to your church after this phone
24 call?

25 A. No one did.

1 Q. And if they had come, would they have been welcome to
2 attend service?

3 A. Yes.

4 Q. Did this individual provide her name?

5 A. I believe that the name was stated at that time. I
6 didn't pick up on it. And I do list a name in
7 conjunction with the second call.

8 Q. Let's wait before we discuss the --

9 A. Okay.

10 Q. -- second call, because I have some more questions for
11 you about the first call.

12 A. Okay.

13 Q. At the end of that call, did you call the police?

14 A. I did not.

15 Q. Did you note the phone number of the individual who'd
16 called?

17 A. I evidently did, because I matched that to the second
18 call that was received.

19 Q. And why did you not contact the police?

20 A. Evidently didn't think it was appropriate or necessary
21 at that point.

22 Q. And why did you feel that it was not appropriate or
23 necessary?

24 A. I'm not sure.

25 Q. Did you feel that this phone call was sufficiently

1 threatening that you needed police protection?

2 A. I didn't feel there was a need for immediate protection
3 or that the action would be immediate.

4 Q. Have you ever had anyone call you and disagree with your
5 stance on anything with regard to your personal views or
6 church views in the time that you've been a pastor?

7 A. I have had people call disagreeing.

8 Q. And do you feel that it's appropriate for people to call
9 and disagree with you?

10 A. The calls that I've received in the past have been
11 people that I was personally familiar with, and I
12 perceived this as being of a different nature, coming
13 from a stranger.

14 Q. What sorts of things have you had people disagree with
15 you on in the past?

16 A. I'm not recalling.

17 Q. Within your church, do you ever have any disagreements
18 amongst people about church decisions?

19 A. I imagine we do. I'm not thinking of disagreements
20 right now.

21 Q. Have you ever -- do you ever recall someone -- within
22 the church about a church decision or anything happening
23 at the church, someone being particularly emotional in
24 expressing their viewpoint to you?

25 A. Yes.

1 Q. Without revealing that individual's name, because
2 there's no need to, can you tell me about that.

3 A. I can recall one instance from several years ago
4 about -- an individual approached me regarding a
5 differing opinion regarding children, being fruitful and
6 allowing God to give us the children that he might
7 desire to give us. So birth control.

8 Q. And what was this individual's viewpoint on birth
9 control?

10 A. Is that relevant to our discussion?

11 Q. Well, actually, I should probably give you a little
12 background. During a deposition, I do have liberty to
13 address a variety of topics that I feel may reveal
14 relevant evidence. So it's quite a broad scope that can
15 be explored during a deposition.

16 [Off the record - discussion]

17 A. I go forward?

18 Q. (by Ms. Egeler) Yes, please.

19 A. The individual felt that there should be a more liberal
20 use of birth control, and my position was that it ought
21 to be more limited.

22 Q. And by limited, do you mean limited to use by adults?
23 How do you mean limited?

24 A. Even limited within marriage. That there be a greater
25 openness to allow pregnancy and receive the children

1 that God might have us to have.

2 Q. And what was this individual's position?

3 A. That a person ought to have -- that family size should
4 be limited.

5 Q. And was this individual emotional about his position?

6 A. Yes, he was.

7 Q. And how did -- in what way was he expressing that
8 passion?

9 A. With raised voice and passion.

10 Q. Does the individual still attend the church?

11 A. He does not.

12 Q. And did he stop attending after that discussion?

13 A. No, he did not.

14 Q. Did you feel threatened or fearful when he raised his
15 voice and disagreed with you?

16 A. I was not comfortable, but I did not feel threatened for
17 physical harm.

18 Q. Is that because you knew the individual?

19 A. That's correct.

20 Q. And do you think that might be the difference between
21 this first phone call and this individual that we're
22 talking about at the church, that this individual at the
23 church was someone you knew and the person on the phone
24 was a stranger to you?

25 A. That would be in part the reason.

1 Q. And what would be the rest of the reason?

2 A. And again, this would be my perception, that there would
3 be a greater tendency to be violent because of the
4 issue.

5 Q. Was this first phone call your first opportunity ever to
6 speak with a transgender individual?

7 A. To my knowledge, yes.

8 Q. And was that a bit odd to you as well?

9 A. Yes.

10 Q. Let's go on to the next call, the second call, which I
11 believe you state on page 2 of Exhibit No. 8.

12 A. I note here that the second call was on August 12th,
13 2009, and was received by my secretary while I was out
14 of the office. I note here as well the caller
15 identified herself as Krystal Mountaine and called from
16 the same number as the first phone call. She said that
17 she would like to talk to the pastor and asked to have
18 me call, and I chose not to return the call.

19 Q. Was anything else said by Krystal Mountaine?

20 A. Not to my understanding.

21 Q. And when you say what she said during the phone call,
22 are you taking that from notes that the secretary --
23 church secretary made?

24 A. That's correct.

25 Q. So you yourself did not hear Krystal Mountaine's

1 message?

2 A. I did not.

3 Q. And have you received any calls since then?

4 A. No.

5 Q. And is -- that listing of the message that the secretary
6 wrote down from Krystal Mountaine as reflected on page 2
7 of Exhibit No. 8, is that complete or was anything else
8 included in the message that you haven't reported here?

9 A. I believe this was complete.

10 Q. So no other phone calls regarding Referendum 71 were
11 received by you or the church?

12 A. No.

13 Q. These two calls, did they come in on the church's phone
14 line or your personal home line?

15 A. Church phone line.

16 Q. And correct me if I'm wrong, but I believe you have both
17 a church phone line and a home phone line at that
18 address; correct?

19 A. That's correct.

20 Q. Did you receive any mail that related to Referendum 71?

21 A. No.

22 Q. Any other incidents occur that you felt were harassment
23 or threats of any sort?

24 A. No.

25 Q. Any sort of vandalism at any time of church property?

1 A. No.

2 Q. And after the election on Referendum 71, have you
3 received any calls, Emails, threats, or harassment of
4 any sort?

5 A. No.

6 Q. Do you know how Krystal Mountaine would have known that
7 you had supported Referendum 71?

8 A. I would imagine by referencing the Web site.

9 Q. And what Web site?

10 A. For the Referendum 71, Protect Marriage Washington, that
11 we have an exhibit from.

12 Q. Did the caller actually state where she got your name or
13 the church's name?

14 A. Not to the best of my recall.

15 Q. After that phone call, did you ask [REDACTED] or
16 anyone with Protect Marriage Washington to remove your
17 name from the Protect Marriage Washington Web site?

18 A. I did not.

19 Q. Why not?

20 A. We -- I feel personally -- or I have strong conviction
21 regarding the issue in hand and was willing to continue
22 to do whatever I could.

23 Q. And would it bother you if your signature on the
24 Referendum 71 petitions was publicly disclosed, given
25 your public endorsement of the measure?

1 violent about because of that.

2 A. Correct.

3 MR. STAFFORD: That's all I have.

4

5 EXAMINATION

6 BY MR. PIDGEON:

7 Q. I have a couple of follow-up --

8 A. Okay.

9 Q. -- questions, [REDACTED].

10 Have you ever seen any videos or any news reports
11 of transgendered individuals entering a church service
12 in protest?

13 A. I have seen video of those who entered a church in the
14 state of Michigan over this issue. Whether they were
15 transgender individuals or not I don't know
16 specifically.

17 Q. Can you tell us what you saw on the video, what the
18 basic tenor of it was.

19 A. The -- this group of individuals entered the church with
20 evident specific -- well, I guess I don't -- I can't say
21 what their intent was initially. But what the video
22 showed is them being very disrespectful and disruptive
23 to the service going forward, interrupting the person
24 who was leading the service, and using that forum to be
25 able to communicate -- and I guess I'm not remembering

1 Q. Now, when you first came to [REDACTED], how would you
2 describe the character of the town? I mean, was it a
3 highly rural town at that point?

4 A. It definitely was.

5 Q. And what would you describe its condition now? Is it
6 still pretty much rural?

7 A. The population has probably tripled since that time, so
8 that it is -- well, just more densely populated, not --
9 I wouldn't call it rural at all.

10 Q. It's more semirural, maybe?

11 A. Small town.

12 Q. Small town, okay.

13 Now, have you spoken on positions -- you mentioned
14 that you've spoken on positions concerning birth
15 control. Have you also spoken out on issues of abortion
16 in the church?

17 A. Yes.

18 Q. Have you spoken out on issues of divorce in the church?

19 A. Yes.

20 Q. Have you spoken out on issues of drug abuse and
21 alcoholism in the church?

22 A. Yes.

23 Q. Have you spoken on issues of gambling in the church?

24 A. Yes.

25 Q. Have you ever been threatened from anybody supporting

1 the gambling position?

2 A. No.

3 Q. Have you ever been threatened from anybody supporting an
4 alcoholic's right to drink?

5 A. No.

6 Q. Have you ever been threatened or harassed by anybody
7 supporting a drug user's right to use drugs?

8 A. No.

9 Q. Have you ever been approached or threatened or harassed
10 by anybody supporting a person's right to get divorced?

11 A. No.

12 Q. How about on the issue of abortion? Have you ever been
13 threatened or harassed by a person giving (sic) the
14 issue of abortion?

15 A. No.

16 Q. So other than the one confrontation you had inside the
17 church concerning birth control, the only other
18 harassing or threatening incident that you can point to
19 is this from Krystal Mountaine?

20 A. Yes.

21 Q. Now, looking at Exhibit 8 again for a minute, going back
22 to this July 27th phone call, you heard this phone call;
23 correct?

24 A. Yes.

25 Q. Now, this woman, did she speak with a female voice or

1 was it a man's voice you were hearing?

2 A. It was a man's voice.

3 Q. Was it a high tenor voice or a low baritone voice?

4 A. It was not a high voice. It was what I would just
5 consider a normal male voice tone.

6 Q. Normal male voice, okay.

7 Now, do you know why Krystal Mountaine referenced
8 the fact that he had been in special forces?

9 A. I can only presume that it was to heighten the threat
10 that I should perceive.

11 Q. Well, what does special forces mean to you?

12 A. People who are trained in doing harm, you know, special
13 tactics to be able to carry out killing missions.

14 Q. So would somebody in special forces, for instance, have,
15 say, a lower threshold towards the notion of killing a
16 human being, in your view?

17 A. That would be my understanding.

18 Q. Would it be your expectation that they had been trained
19 in how to kill in hand-to-hand combat?

20 A. Yes.

21 Q. Would it be your understanding that they would also have
22 weapons specialties?

23 A. Yes.

24 Q. Possibly sniping capability?

25 A. Yes.

1 Q. So if a person said they'd been in special forces, did
2 all of those things factor into your consideration of
3 who this person was on the phone?

4 A. Yes.

5 Q. And then the person said -- now, did the calmness of the
6 caller's voice further intimidate you or threaten you?
7 Would you have been less threatened if the caller had
8 been screaming at you?

9 A. I would have been more intimidated if there was yelling.

10 Q. Screaming?

11 A. And screaming.

12 Q. And then -- so did you perceive, then, that this man who
13 said he -- and by the way, what does it mean when this
14 man tells you that he's transgendered to you? What does
15 that mean to you?

16 A. My perception would be that it's somebody who has
17 undergone even a sex change.

18 Q. A sex-change operation.

19 A. Sex-change operation.

20 Q. So in your opinion, this was not just a man who was
21 cross-dressing; is that correct?

22 A. Yeah. And that's my perception. Maybe my definitions
23 are inappropriate.

24 Q. Did he identify himself as transgendered?

25 A. I'm -- I can only assume that was the case because of my

1 notes. I don't recall exactly how the caller may have
2 expressed that.

3 Q. So you don't know whether or not Krystal Mountaine has
4 actually undergone surgery for this condition.

5 A. I do not.

6 Q. So it is possible that Krystal Mountaine could have been
7 a muscular, well-trained special-forces operative.

8 MR. STAFFORD: Objection; speculation.

9 A. That's possible.

10 Q. (by Mr. Pidgeon) Did you consider that this person
11 might have been a -- you know, a large-scale person,
12 large-size person?

13 A. I didn't dwell on it.

14 Q. Now, when Krystal Mountaine was referring to a number of
15 friends, did you have any idea who these friends would
16 be?

17 A. I could only assume that they were individuals who
18 shared the same convictions as well as a desire to
19 communicate their hostility toward others who would wish
20 to hold an opposing position.

21 Q. And so when Krystal Mountaine said that these friends
22 would picket the church, did you envision a scene like
23 what you had seen in that video in Michigan taking place
24 in your church?

25 A. I considered that possibility.

1 CERTIFICATE

2 STATE OF WASHINGTON)
3)
4 COUNTY OF SNOHOMISH)

5 I, the undersigned Notary Public in and for the
6 State of Washington, do hereby certify:

7 That the foregoing is a full, true, and correct
8 transcript of the testimony of the witness named herein,
9 including all objections, motions, and exceptions;

10 That the witness before examination was by me duly
11 sworn to testify truthfully and that the transcript was made
12 available to the witness for reading and signing upon
13 completion of transcription, unless indicated herein that the
14 witness waived signature;

15 That I am not a relative or employee of any party
16 to this action or of any attorney or counsel for said action
17 and that I am not financially interested in the said action
18 or the outcome thereof;

19 That I am sealing the original of this transcript
20 and promptly delivering the same to the ordering attorney.

21 IN WITNESS WHEREOF, I have hereunto set my hand and
22 seal this 7th day of October, 2010.

23 _____
24 Notary Public in and for the State of Washington
25 residing at Edmonds, Washington.
(Notary expires 3/09/13)
(CCR No. 2699)

Exhibit 1-3

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual; JOHN
DOE #2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity
as Secretary of State of Washington;
BRENDA GALARZA, in her official
capacity as Public Records Officer
for the Secretary of State of
Washington,

Defendants.

No. 09-CV-05456-BHS

Deposition Upon Oral Examination
Of

Taken by: Tracey L. Juran, CCR
CCR No. 2699

September 24, 2010
Everett, Washington

Tracey Juran, Certified Court Reporter

1 Be it remembered that the deposition upon oral
2 examination of [REDACTED] was taken on
3 September 24, 2010, at the hour of 1:04 p.m. at 3501
4 Colby Avenue, Suite 200, Everett, Washington, before
5 Tracey L. Juran, CCR, Notary Public in and for the State
6 of Washington residing at Edmonds, Washington.

7 Whereupon the following proceedings were had,
8 to wit:

9 * * * * *

10 [REDACTED], having been first duly sworn on
11 oath by the Notary Public to tell
12 the truth, the whole truth, and
13 nothing but the truth, was deposed
14 and testified as follows:

14 EXAMINATION

15 BY MS. EGELER:

16 Q. [REDACTED], as I stated earlier, my name's Anne Egeler
17 and I'm a Deputy Solicitor General with the state
18 Attorney General's Office.

19 Have you ever been deposed before?

20 A. No.

21 Q. I'll go over some ground rules. Everything we say is
22 being taken down by our court reporter, and it's
23 important that we let each other finish speaking before
24 the other person talks so that she's able to get
25 everything down correctly. It's also important that we

1 indicate yes or no verbally rather than with a head nod
2 or an mm-hm sound, because only that verbal response
3 will show up on the record. And it's also important
4 that we understand each other. So if I ask something
5 and it's unclear or confusing, please let me know, okay?

6 A. Okay.

7 Q. Can you please tell me what your current employment is.

8 A. Currently, I am a homemaker and [REDACTED]

9 [REDACTED].

10 Q. And was that the case in 2009 as well?

11 A. Yes.

12 Q. Any other employment in 2009?

13 A. No.

14 Q. And are you familiar with Referendum 71?

15 A. Yes, I am.

16 Q. Did you sign the petition?

17 A. Yes, I did.

18 Q. Do you remember where you were when you signed?

19 A. No, I don't. It's possible that I signed it at my
20 church.

21 Q. And where is that church?

22 A. [REDACTED].

23 Q. And when you signed, was it in a public location or was
24 it in a private office of the church?

25 A. I'm sorry; I don't remember exactly when I signed. So

1 I'm just guessing that I signed it at church because the
2 petitions were available there.

3 Q. Did you collect signatures for the petition at all?

4 A. I did at church at a booth. There were several people
5 collecting signatures over the course of -- I don't
6 remember how many Sundays. Maybe three Sundays.

7 Q. Did you collect signatures over all those three Sundays?

8 A. No. I had a shift. We were assigned shifts. So I
9 don't think I did. I'm sorry; I don't remember exactly
10 how many times, but at least once.

11 Q. In the course of collecting signatures, did you indicate
12 to anyone that you supported Referendum 71?

13 A. Yes.

14 Q. And did you indicate that you had signed the petition
15 yourself?

16 A. Yes, I did, both while I was collecting signatures and
17 also later, when a reporter asked me several times if I
18 had signed the R-71 petition.

19 Q. And that reporter, was that a reporter with the [REDACTED]
20 [REDACTED]?

21 A. Yes, it was.

22 Q. And he asked you whether you had signed?

23 A. He pressured me to say whether I had signed it. It was
24 in the course of an interview about my candidacy and he
25 asked me if I had signed it and I said, no comment. And

1 then later in the conversation he asked me again and I
2 said, I'd rather not say. And he said, what, are you
3 afraid of what might happen, in a kind of teasing,
4 mocking kind of voice.

5 Q. And did you choose to answer his question?

6 A. And then I chose to answer. Then I decided, if I don't
7 stand up, who will?

8 Q. And when you answered his question, were you aware that
9 he might publish that fact in the newspaper?

10 A. I was highly aware, because I knew I was speaking to
11 [REDACTED], who's a political reporter for the
12 [REDACTED].

13 Q. So your expectation was that he would publish that.

14 A. I knew it was a distinct possibility.

15 Q. And did he, in fact, publish that?

16 A. He did.

17 Q. And do you remember what month that was?

18 A. I remember it very well, because I got a death threat
19 that night. Actually, my son took the call.

20 Q. What month was it that the article --

21 A. That was --

22 Q. -- was published?

23 A. -- August 23rd, 2009. It was in the Sunday-morning
24 paper. I was on the front page.

25 Q. And did the entire article focus on the fact that you

1 had signed the petition?

2 A. No, it did not. Only one sentence of the article
3 mentioned that I had signed the petition.

4 Q. Did the article mention anything else about your
5 candidacy?

6 A. Oh, yes. It was a nice long article --

7 Q. Did it --

8 A. -- on the -- it was one column, the left-hand column on
9 the front page -- and it's still on-line on

10 [REDACTED] if you'd like to see it -- and it was also
11 on page 4, maybe about a quarter of the page, an article
12 about places I had spoken and what I had done in the
13 campaign so far. It was a little unusual for a
14 candidate to start so early for a [REDACTED]

15 [REDACTED] --

16 Q. I'm not --

17 A. -- and my kickoff was to be the next day.

18 Oh, yeah, this is the [REDACTED] -- yes, this is
19 the article as it's printed out when you click on print,
20 you know what I mean?

21 Q. Why don't you --

22 A. But yes, this is --

23 Q. -- keep that copy.

24 A. -- the article.

25 Q. We'll mark that as Exhibit No. 1 to your deposition.

1 [Off the record - discussion]

2 [Exhibit 1 marked for identification]

3 Q. (by Ms. Egeler) So you have in front of you what we've
4 marked as Exhibit No. 1. And is that the article that
5 you referred to?

6 A. Yes, it is.

7 Q. And this is the Internet version -- as you can see on
8 the bottom, the Internet Web site is there -- but is
9 this the same article that was published on that [REDACTED],
10 [REDACTED]?

11 A. It appears to be, yes.

12 Q. Can you tell me where the sentence is that you were
13 referring to that talked about you signing the --

14 A. Yes. If you look at the second page --

15 Q. Which is on the back --

16 A. Page 2.

17 Q. -- of the --

18 A. Mm-hm. In the middle of that page, paragraph discussing
19 initiatives says, "[REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]"

25 Q. And two paragraphs above that, does it also refer to you

1 as being a staunch fiscal and social conservative who
2 belongs to the National Rifle Association?

3 A. Yes.

4 Q. And does it talk about your candidacy with respect to
5 any other issues other than gun rights and signing the
6 initiative?

7 A. Could you rephrase the question.

8 Q. Well, let me ask it a little differently.

9 Does this talk about the fact that you are a Tea
10 Party activist --

11 A. Oh, yes.

12 Q. And it also mentions your position on economic issues;
13 correct?

14 A. Yes. It does say -- well, fiscal conservative, that's
15 economic issues.

16 Q. And the headline here mentions that you're a Tea Party
17 activist. Was that same headline used in the newspaper?

18 A. Yes, it was.

19 Q. Did you make any other public statement about the fact
20 that you supported Referendum 71?

21 A. Before the death threat?

22 Q. We'll get to the death threat, I promise you.

23 But at --

24 A. Mm-hm.

25 Q. -- any time, have you made any other statements that --

1 A. Certainly.

2 Q. Can you tell me what those times were.

3 A. At the -- at my kickoff the following night, on
4 August 24th, I mentioned that I had -- I think I
5 mentioned that I had signed this petition. There was
6 also a time when I spoke to a group at -- that was
7 meeting at Edmonds Church of God. And they asked me
8 about my stance on social issues, such as abortion and
9 marriage, and I did mention that I had signed the R-71
10 petition.

11 Q. The first event you talked about was the August 24th
12 kickoff. How many people were in attendance for that?

13 A. About 120.

14 Q. And were there any members of the media there to cover
15 it?

16 A. Not that I'm aware of.

17 Q. And when you spoke at the church, how many people were
18 at that event?

19 A. I think there were around 40 at that event.

20 Q. And any members of the media there?

21 A. No.

22 Q. Have you made any statement about your stance on
23 domestic partnership in any sort of campaign literature
24 or voters' guides?

25 A. No, but I have on candidate questionnaires.

1 Q. Would these candidate questionnaires be publicly
2 available?

3 A. Yes, I believe so. I believe the Family Policy
4 Institute of Washington questionnaire is available on-
5 line.

6 Q. And that's one where you made a statement about domestic
7 partnership?

8 A. If I recall correctly, they did ask about my stance on
9 marriage. I can't remember how it was phrased or if it
10 was specifically about R-71, but because of the nature
11 of that group, I'm certain that the question of marriage
12 came up.

13 Q. And did you hesitate to answer the question?

14 A. No.

15 Q. Why not?

16 A. Because I had already crossed that mental hurdle. I
17 knew the ramifications and the repercussions to myself
18 and my family.

19 Q. Did you ever go to an R-71 rally?

20 A. No, I don't believe I did. I went to the R-71 -- there
21 was an election-night party. I did go to that in
22 November.

23 Q. And were there any members of the media there?

24 A. There were many, many people with cameras in the hall.
25 I don't know if they were media members or not, but I

1 wouldn't be surprised.

2 Q. When did you first --

3 A. And they were not -- they --

4 Q. Oh, excuse me.

5 A. I'll say this: They filmed -- they took film of my
6 children -- I mean, they deliberately focused on my
7 children's faces and followed us down the hall with the
8 cameras as we walked by. And that made me nervous
9 because of the death threat.

10 Q. And by they, who do you mean? Who was it that --

11 A. I mean there were at least half a dozen people, maybe
12 ten, a lot of people with big, fancy cameras in the
13 hallway outside of that party.

14 Q. And when you saw that there were people with cameras
15 outside that party, did you think about not bringing
16 your children to the party?

17 A. It was too late. We had already walked in the door.
18 They were filming people as we walked in.

19 Q. Did you put a Referendum 71 sign in your yard?

20 A. No.

21 Q. Did you ever hold a Referendum 71 sign in a public
22 location?

23 A. No.

24 Q. Let's talk about that phone call that you referred to
25 earlier that you received after the article was run in

1 the [REDACTED] that we've put in as Exhibit No. 1 to
2 your deposition. Can you tell me about that.

3 A. Certainly. Sorry; I seem to be getting a little
4 emotional again.

5 Q. That's okay.

6 A. It was about 6:00 --

7 Q. Do you want a moment? We can take a --

8 A. I'd like some --

9 Q. -- break; it's okay.

10 A. -- Kleenex available.

11 [Off the record - discussion]

12 Q. (by Ms. Egeler) Let's just pause for a second and talk
13 about something else for a moment before we move on to
14 that.

15 When did you first learn that you were a witness in
16 the Doe v. Reed case?

17 A. I have a hard time placing it. Sorry; my days are
18 pretty packed and I don't sleep very much.

19 Q. Was it within the last few months?

20 A. I believe so, but I can't be certain.

21 Q. Do you know who contacted you, if you remember?

22 A. No. I know that I have been in contact with Larry
23 Stickney, and [REDACTED] has talked to me once and
24 Stephen Pidgeon at least once, because I called
25 immediately after the death threat.

1 And after reporting to the police via 911, I then
2 called the ADF R-71 hot-line number, which I had
3 programmed into my phone during the time that we at
4 church were collecting signatures, because some people
5 at church had expressed fear about signing the petition.
6 And we were told, I think, by [REDACTED] of Family
7 Policy Institute that we could give this 1-800 hot-line
8 number out as we collected petitions -- or collected
9 signatures if people expressed fear or concern about
10 their name being on the petition.

11 Q. When --

12 A. So when this happened, I had it ready in my phone. And
13 I called and said, my family just got a death threat.
14 What do we do from here?

15 Q. My questions were about when you learned that you were a
16 witness in the case and --

17 A. Yeah, I don't remember. Now, that was more recent, but
18 I can't place it; I'm sorry.

19 Q. Do you recall if you were informed that, as a witness in
20 the case, you may be required to publicly testify in a
21 federal court of law?

22 A. No. In fact, when I agreed to do the deposition, I said
23 that because I was a candidate, I would agree to do the
24 deposition, but that I didn't really want to publicly
25 testify because it's likely to make the papers and

1 possibly change the outcome of the election.

2 I haven't been hiding anything -- I answer frankly
3 when I am asked where I stand on issues -- but I do not
4 want to be portrayed as a single-issue candidate. And
5 my focus all along has been on jobs, education, and
6 fiscal responsibility. My campaign is not about the
7 social issues.

8 Q. I can tell you that the trial in this case would not
9 occur prior to the election. In fact --

10 A. Mm-hm.

11 Q. -- our next time that we go just to talk to the judge
12 about when the court date will be set isn't until
13 November 15th, so it will be after the election.

14 With that understanding, would you have any
15 concerns about publicly testifying in a federal court?

16 A. No.

17 Q. If you're ready now, I'd like to --

18 A. Sure.

19 Q. -- explore that phone call that you received.

20 A. Yes. So let me give a little bit of background. My
21 parents were visiting from [REDACTED] and my sister --
22 youngest sister, also from [REDACTED], were visiting and
23 were staying with us in order to attend the campaign
24 kickoff on the 24th. On Sunday morning, the 23rd,
25 the -- I was on the front page of the newspaper with the

1 article that we've spoken about.

2 And at 6:00 that night, we received a phone call on
3 our unlisted home phone number. My 13-year-old answered
4 the phone -- [REDACTED] is his name -- and I heard him
5 say, yes, just a moment, please. Mom, it's for you.
6 And I was in the living room, he was in the kitchen.
7 It's an open -- kind of open hallway there. And as I
8 walked across the floor towards the phone, his face went
9 white and he said, Mom, you just got a death threat. He
10 said, I will kill you and your family.

11 I continued walking towards the phone as he was
12 relaying this to me, and right when he finished I was at
13 the phone and picked it up, but the man had already hung
14 up. My parents were in the room sitting on the couch
15 and my husband was in the room and my 6-year-old
16 daughter was in the room, and all of us became
17 immediately frightened and very aware of where the
18 windows are. I was immediately angry and resolved --

19 Q. Do you --

20 A. -- that I would not back down from this candidacy from a
21 threat like that.

22 Q. Do you have caller ID on your home phone number?

23 A. We did not at that time.

24 Q. Did you press star 69 to get the number?

25 A. No, because we don't have caller ID. So I thought about

1 calling star 69, but since it would just call him
2 back -- call an angry person back, I wondered, well, how
3 is that going to help anything? Then I have an angry
4 man on the other end. I still don't know his number.

5 Q. So it's your understanding that star 69 dials the number
6 that just called?

7 A. Yes. I thought it would redial.

8 Q. Is that still your understanding?

9 A. I know that star 57 will trace a call. The policeman
10 told me that.

11 Q. And did you press star 57?

12 A. No. I did not know that until after the cops came.

13 Q. And did you call the police when you received that
14 phone --

15 A. Yes.

16 Q. -- call?

17 And how long did it take them to respond?

18 A. We live very near the police station in downtown [REDACTED]
19 and they were there, I would say, perhaps five minutes
20 or less. It didn't take long.

21 Q. So it was the [REDACTED] Police Department that you called,
22 the --

23 A. Yes.

24 Q. -- city police?

25 A. Well, I called 911 and I assume I was immediately

1 directly routed to the [REDACTED] Police.

2 Q. And do you remember the name of the officer who
3 responded?

4 A. Yes. It was Andrew Mehl, M-E-H-L.

5 Q. And did the officer take a report?

6 A. Yes. He took two reports, one from me and one from my
7 son.

8 Q. Did you make a written statement? Is that the report
9 that you're referring to?

10 A. Yes, I believe I did.

11 Q. And did the officer talk to you about the incident?

12 A. Yes. He tried to reassure me that death threats are
13 fairly common, which I found hard to believe. He told
14 me that, if anything strange happened, that we should
15 call immediately. He said, for example, if someone
16 seems to be watching the house or following you, you
17 need to report it.

18 He told us about how -- he said, put a Post-It note
19 by each one of your phones with star 57. That will
20 redial -- or not redial, pardon me; will trace the call
21 and send the information to the police station. So we
22 did that. He recommended that we get phones with caller
23 ID and possibly even voice mail -- I mean, not voice
24 mail; what do you call it -- with an answering machine
25 so that we could tape messages or conversations. We

1 haven't done that, but we did go out and purchase all
2 new phones.

3 Q. And you said that you felt that this call was generated
4 as a result of the article that had run in the Everett
5 newspaper; is that correct?

6 A. Absolutely. It was the same day.

7 Q. And did the caller say that?

8 A. No.

9 Q. Did the caller indicate that any position that you were
10 taking on any issue was what was triggering the death
11 threat?

12 A. All that he said I've already told you. He said, I will
13 kill you and your -- he said, is [REDACTED] there?
14 And -- oh, pardon me; I didn't tell you that. But my
15 son told me and the policeman later that he had asked
16 for me by name and then had said to him, I will kill you
17 and your family, and he hung up.

18 Q. So there was no indication of why he wanted to kill you
19 and your family.

20 A. No. But as you can see by reading the article, there's
21 nothing else in that article that would have elicited
22 such fury as to make a person dig to find an unlisted
23 home number and then call and then threaten a child.
24 There's nothing else in that article that could possibly
25 provoke that kind of emotional reaction.

1 Q. Do you know if Tea Party activists have received any
2 negative publicity or response in this country?

3 A. In this country, yes, but I'm not aware of any around
4 here who have received threats.

5 Q. Are you aware of any angry words being said about Tea
6 Party activists in this state?

7 A. Oh, sure. Posts on blogs, I suppose, mm-hm. But I had
8 already been in the paper as a Tea Party activist before
9 in the [REDACTED] and had not received a death threat from
10 those articles. On April 16th of 2009, I was -- there
11 was not a picture of me, but my words were on the front
12 page of the [REDACTED] and my name, and they said
13 that I was considering running for office. So at that
14 point I was not yet a candidate, but I had spoken at a
15 large Tea Party rally in [REDACTED] on the 15th.

16 And so frankly, I think if it were based on just
17 the phrase "Tea Party," it would be likely that
18 something might have happened earlier.

19 Q. But this [REDACTED] article was the first article after you
20 actually had filed for candidacy?

21 A. There was an article in July. I don't remember the
22 length of the article or if I was mentioned -- I can't
23 recall -- but there was a Fourth of July tea party in
24 [REDACTED] that received news coverage from the [REDACTED].

25 Q. And that was after you had announced your candidacy?

1 A. Actually announced my candidacy at that rally --

2 Q. And was --

3 A. -- on the Fourth of July.

4 Q. -- that a front-page article --

5 A. No.

6 Q. -- as well?

7 A. No, it wasn't a front-page article.

8 Q. And you're not sure if you were mentioned in the
9 article?

10 A. No, I don't recall. I might have been mentioned briefly
11 in it, but I don't recall.

12 Q. So is it fair to say that given this newspaper article
13 that ran on August 23rd, you suspected that the
14 individual who called was angry and expressing this
15 death threat as a result of the one sentence regarding
16 Referendum 71, but you don't know and it's a guess?

17 A. Well, my cell-phone number was published in the article.
18 I don't know if it's in this -- no, it's not. This
19 printed-out version does not show -- on the newspaper,
20 there was also a little square next to it that talked
21 about the kickoff the next day. It gave the time and
22 the place of the kickoff and it gave the Web site and
23 the phone number, the campaign phone number, which is
24 also my personal cell number. And they did not call
25 that number. The person who did this took the time to

1 Q. Were those R-71 yard signs?

2 A. No, they were not.

3 Q. Were those campaign signs --

4 A. Yes.

5 Q. -- for you?

6 And have you had any other campaign signs stolen in
7 any other location?

8 A. Yes. Forty percent of our signs were stolen before the
9 primary.

10 Q. Are you familiar with the Web site Red County?

11 A. I am.

12 Q. And do you have an opinion regarding that Web site?

13 A. Red County -- oh, yes. It's a -- I haven't been on it
14 for a long time, but I know some of the people who write
15 for it.

16 Q. And do you think they're credible individuals?

17 MR. PIDGEON: Calls for speculation; objection.

18 MS. EGELER: I'm asking a personal opinion.

19 Q. (by Ms. Egeler) Do you think the individuals that write
20 on that Web site are credible?

21 MR. PIDGEON: Objection; lack of foundation, lack
22 of specificity, calls for a rash generalization.

23 A. I can think of at least one person who writes for Red
24 County that I would take with a huge lump of salt.

25 Q. (by Ms. Egeler) And who is that?

1 A. Oh, I don't want to say that. How is that relevant?

2 Q. Then let me ask it to you differently.

3 Is it --

4 A. I don't --

5 Q. -- Steve --

6 A. -- want to lose --

7 Q. Excuse me.

8 Is it Steve Boren?

9 A. No.

10 Q. Do you think Steve Boren is someone that --

11 A. Beren?

12 Q. Or Beren.

13 In your opinion -- in your personal opinion, is
14 this a credible individual?

15 A. As far as I know, he is credible.

16 MS. EGELER: Okay, mark this as Exhibit No. 3.

17 [Off the record - discussion]

18 [Exhibit 3 marked for identification]

19 Q. (by Ms. Egeler) This is -- this Exhibit No. 3 is a
20 three-page exhibit taken from the Red County Web site,
21 and I want to direct your attention to the second page
22 of the article. The article's entitled "Desperate Dem
23 sign thieves show disrespect/arrogance to proud Vietnam
24 vet." And in the third paragraph on the second page it
25 states, "Sadly, it is not unusual for Democrats in this

1 part of the state to tear down signs supporting GOP
2 candidates." Would you agree with that?

3 A. I would. I have witnessed it with my own eyes.

4 Q. So do you think Dem -- or, excuse me; Republican
5 candidates in general have their signs victimized quite
6 a bit in this area of the state?

7 A. I have personally experienced it, yes.

8 Q. So were you surprised when the signs at your home were
9 victimized?

10 A. No, not surprised.

11 Q. Do you know why people took signs from your property?

12 A. Because they don't want people to know that I have a
13 chance of winning. They don't want people to see my
14 name. They want to stifle name recognition.

15 Q. Have the signs been taken or have they been vandalized?

16 A. Mangled. Some have been stolen; some have been mangled,
17 and by mangled, I mean some of them have been sliced off
18 of their stakes with a very, very sharp implement of
19 some sort; some have been slashed repeatedly and left to
20 kind of dangle; some have been run over with vehicles.
21 One of my campaign volunteers has witnessed this
22 happening in Mukilteo.

23 Q. And have they ever spray painted any words on the signs?

24 A. No, not on my signs that I know of. I'm not aware of
25 any spray-painted words. But I have seen spray-painted

1 words on other Republican signs.

2 Q. And did you have the opportunity to speak to anyone when
3 they were stealing your signs and talk to them about why
4 they're doing it?

5 A. We captured video footage of one of the sign stealers,
6 but we have been unable to determine exactly who that
7 is.

8 Q. And in that video footage, does the individual speak?

9 A. No.

10 Q. And do they wear anything that would indicate their
11 position on any particular issue?

12 A. No.

13 Q. Could you tell from the video footage whether the person
14 was gay or straight?

15 A. No.

16 Q. Any other vandalism of your property that you
17 experienced during the Referendum 71 campaign period in
18 2009?

19 A. No.

20 Q. And that includes vandalism of your home or automobiles?

21 A. Our automobiles appear to have been tampered with by the
22 gas caps, but because we are not sure exactly when or
23 where that happened, we didn't report it. And yeah, I
24 cannot say for certain that it had anything to do with
25 the R-71 --

1 Q. And --

2 A. -- campaign.

3 Q. -- could you say for sure whether it even had anything
4 to do with politics, as opposed to just --

5 A. No, it could --

6 Q. -- criminal --

7 A. -- could just be vandalism, because we don't know where
8 it happened.

9 Q. Did you report the sign thefts to the police?

10 A. No.

11 Q. Even the one that you had videotape of?

12 A. Even the one with the videotape. My husband was the
13 director of IT security for a large company at the time,
14 and he said that without specific information, it would
15 be pointless to tell the police or show them the video.

16 Q. And we're -- again, I promise you we're going to get to
17 the incident involving your son. But did you experience
18 any other harassment or things that you would consider
19 threats during 2009?

20 A. No, not that I can recall.

21 Q. And before we leave the year 2009, I want to --

22 A. Although let me go back to that. There were a number of
23 comments posted on the -- on this article (indicating)
24 on-line. I don't know if you looked at the comments of
25 the [REDACTED] article.

1 Did you have a chance to look for documents that would
2 be responsive?

3 A. I -- responsive?

4 Q. Mm-hm.

5 A. Well, I found a couple of things related to this, yeah.
6 I did write about it on my Facebook page, a note, after
7 tea partiers were being accused of yelling racist words
8 at a congressman at a large Tea Party rally in
9 Washington, D.C. And no footage still has surfaced of
10 that alleged incident. The tea partiers are being
11 mischaracterized by the mainstream media, and I feel
12 that it is a direct misrepresentation of the tea
13 partiers' message, which has always been about fiscal
14 responsibility. This --

15 Q. As part of the subpoena, though --

16 A. Mm-hm.

17 Q. -- which is what I'm asking you about, you were --

18 A. Mm-hm.

19 Q. -- asked to produce any written or electronically stored
20 documents that --

21 A. Yes.

22 Q. -- would evidence --

23 A. Let me point this out, that -- no, I was asked to --
24 according to this -- where is it -- all records,
25 regardless of whether they have been stored in paper or

1 electronic format, discussing or depicting images about
2 any harassment, threats, or retaliation you contend you
3 have experienced. So I understood that to mean that if
4 I had talked about the threat any -- in any other
5 venues, that I needed to bring that in. Did I
6 misunderstand?

7 Q. Well, I was looking for anything about any threats or
8 harassment or reprisals you experienced.

9 A. So this (indicating) is about the threat, but it's not a
10 threat.

11 Q. So it's not about a threat to you; correct?

12 A. It's about a threat to me. This article, this piece
13 that I wrote, I said, "I would like to point out
14 rudeness and incivility from the anti-tea party crowd
15 that is not getting as much 'airtime.' Who broke into
16 John Koster's office and stole two computers and then
17 threw a printer through a window?" Et cetera. "Who
18 called my family at home on our unlisted number, asked
19 for me, and then told my . . . 13-year-old son, 'I will
20 kill you and your family'?"

21 Q. Do you have -- did you look for any documents that
22 evidenced threats or harassment that were experienced by
23 you?

24 A. No. There were no other threats or I --

25 Q. And there --

1 A. -- would have reported them to the police.

2 Q. And there are no documents -- no other documents,
3 nothing responsive to the subpoena.

4 A. No, I don't believe so.

5 Q. I just wanted to cover that and make sure that there
6 wasn't something that you'd brought with you that we
7 needed to discuss.

8 A. Mm-hm.

9 Q. So if something else had happened, you just said you
10 would call the police?

11 A. Absolutely.

12 Q. What's your opinion generally of police officers in this
13 state?

14 A. I think I respect the police officers in this state. I
15 think they do a good job. I do have some concerns, but
16 overall, I think they're doing their job to the best of
17 their ability.

18 Q. And after the Referendum 71 election had concluded in
19 November of 2009, there's an incident that you were
20 referring to regarding your son.

21 A. Mm-hm.

22 Q. Can you tell me about that now.

23 A. Yes. On -- at the end of January, the final weekend in
24 January, my son and I were at a conference for
25 Republicans at Ocean Shores. And on Sunday morning, we

1 checked out of our hotel and were walking to the car.
2 My son was following me in the lobby, but when I got to
3 the car, I realized he wasn't with me. I began to put
4 the bags that I was carrying into the car and then
5 closed the back of the car, wondering what had happened
6 to him.

7 And then he showed up and he was covered head to
8 toe in applesauce: On his hat, which was an [REDACTED]
9 [REDACTED] campaign hat, his coat, his blue jeans, his shoes,
10 his suitcase, and a hanging clothes bag that he had had
11 on one arm. And I said, what happened to you? And he
12 said, these people drove by and threw applesauce --
13 threw this all over me. And I said, did you get the
14 license plate? He said, no.

15 And I said, okay, well, let's get you cleaned up
16 and then go in and ask if there's a video camera,
17 security camera. So I helped him get cleaned up and
18 then he went back in to ask. And I've just finished --
19 I was cleaning off the bags before putting them in the
20 car. He came back and said that the hotel did not have
21 security cameras outside. This had happened right
22 outside the hotel in the portico.

23 And so at that point, I -- oh, and I remember I
24 also walked around the car to see if perhaps our car had
25 been vandalized. I was concerned. I didn't know if it

1 was a direct threat because of his hat. I didn't know
2 if it was based on my candidacy.

3 Q. Was your car vandalized?

4 A. It wasn't.

5 Q. And was your son wearing -- okay, so the hat, did it
6 just say, "[REDACTED]," on it?

7 A. It said, "[REDACTED]," on
8 the hat with the campaign logo.

9 Q. And did he have a shirt with the campaign logo on as
10 well?

11 A. No, he was wearing a black suit jacket.

12 Q. Did he say that the person in the car was male or
13 female?

14 A. There were two people in the car. The male was -- he --
15 my son thought that both of them were around 25. The
16 male was driving. The female with long black hair was
17 the passenger and she, according to him, screwed up her
18 face and made an ugly face and then threw applesauce all
19 over him.

20 Q. So it wasn't a gay couple driving the car.

21 MR. PIDGEON: Objection; calls for speculation.

22 Q. (by Ms. Egeler) You just stated it was a man and a
23 woman, so I thought that was a pretty reasonable
24 question.

25 Do you think it was a gay couple driving the car?

1 A. I assume not. But I don't know that they were even a
2 couple.

3 Q. Did the woman say anything when she threw this?

4 A. No.

5 Q. Was your son wearing anything to indicate a position on
6 Referendum 71?

7 A. No, except that the gay Twitter and blogs do talk about
8 me on -- they talk about my campaign. In fact, I just
9 had a few more mentions this week on gay tweets and
10 blogs. And another example -- for example, the Greater
11 Seattle Business Alliance is a pro-gay business group,
12 and they have told me several times that they are
13 watching this campaign with -- they told me directly
14 because they wanted me to come debate my opponent, who
15 is gay.

16 Anyway, so I -- there -- it's a -- it's highly
17 watched, is what I'm saying. People in other states are
18 watching this race.

19 Q. So --

20 MR. STAFFORD: Objection; nonresponsive answer.

21 Q. (by Ms. Egeler) Your son, when he --

22 A. No, I do know that for a fact. Is that what you mean?
23 I have proof that -- on tweets. I can show you if you
24 like.

25 Q. (by Ms. Egeler) When he makes an objection --

1 A. Yes.

2 Q. -- you and I are still continuing our discussion, and
3 he'll possibly be questioning you later.

4 A. Oh, okay.

5 Q. I want to back up and talk about this as it occurred to
6 your son.

7 Was -- you said that this happened in the portico.
8 So was there sort of a drive-through area --

9 A. Yes.

10 Q. -- that was covered --

11 A. Yes.

12 Q. -- attached to --

13 A. Exactly.

14 Q. -- the hotel?

15 A. Yes.

16 Q. And --

17 A. And they sped through, he estimated, around 30 miles an
18 hour. He said it was very fast. And they sped through,
19 she made the face, threw it at him, and they were gone.

20 Q. And had your son just walked out of the hotel when this
21 occurred or had he been standing outside for a while?

22 A. He had just walked out.

23 Q. So he hadn't been standing there waiting for anyone.

24 A. No, no.

25 Q. So he just walked out and a car sped up at 30 miles an

1 hour, and as it --

2 A. That's his estimate, his 14-year-old estimate, mm-hm.

3 Q. And did you think that his 14-year-old estimate as his
4 mother would be wildy inaccurate?

5 A. Well, since he has yet to drive in city traffic himself,
6 I don't know how good of a judge he is at 30 miles an
7 hour, what that would be.

8 Q. Do you --

9 A. But he obvious -- he said it was very fast, so I believe
10 him on that, yeah.

11 Q. So you believe it was very fast?

12 A. I believe it was dangerously fast for a hotel portico,
13 yes.

14 Q. With your sense of your son's accuracy, because I think
15 only a mother could have that, do you think that he was
16 correct within five to ten miles an hour? Could it have
17 been as slow as 20 --

18 A. It could have been 20, sure.

19 Q. Could it have been less than 20?

20 A. I doubt it. He felt threatened by the speed of it --

21 Q. Could it have been --

22 A. -- I could tell.

23 Q. Could it have been faster than 30?

24 A. No. I don't see how someone -- I don't under -- I can't
25 picture how someone would have been -- would have had

1 time to make a face and throw applesauce if it had been
2 faster than 30. So --

3 Q. How do you think an individual going 20 miles an hour
4 would be able to read that sign on his hat or the words
5 on his hat and make a decision about this individual and
6 that this is the target for the applesauce?

7 A. Because it was a logo. And the logo -- as you know,
8 logos can be instantly recognized. That's the point of
9 a logo. So for example, when you see Coca-Cola or, you
10 know, a gas-station logo, we instantly recognize it.

11 Q. And at the time that your son had this thrown at him,
12 was he facing straight out towards the street -- or
13 towards the portico drive or was he angled in one
14 direction or the other?

15 A. I can only assume, because I had been carrying my bags
16 ahead of him. So frankly, I can't say with any
17 certainty. But since he was behind me walking through
18 the hotel lobby, I assume that he was continuing on the
19 same trajectory walking behind me through the hotel
20 doors.

21 Q. And were you wearing anything, shirt or hat, that
22 contained the same logo?

23 A. I don't believe I was.

24 Q. Has your face been shown on the Web pages that you were
25 referring to that have been watching your candidacy?

1 A. Yes.

2 Q. So do you think you're a recognizable individual to
3 those who are opposed to your viewpoint?

4 A. Yes, I do.

5 Q. And you were outside at the time that they --

6 A. Yes. I had walked out first.

7 Q. You'd walked out first.

8 And can I get an idea of where your car was while
9 you were loading --

10 A. Sure.

11 Q. -- it.

12 A. Okay, so let's just sketch it out here. The portico --
13 let me get -- was immediately in front of the hotel.
14 Here's the hotel, here's the portico (indicating).

15 Q. And we have --

16 A. And --

17 Q. -- to be mindful of --

18 A. Yeah, I'm trying to --

19 Q. -- using words.

20 A. I'm trying to say words.

21 So there were -- there was one row of cars, two --
22 we were in the second row of cars and over to the left.
23 So there were probably about -- maybe eight to ten
24 cars -- well, make that --

25 Q. In a parking --

1 A. -- 16 cars --

2 Q. In a parking lot, then?

3 A. In a parking lot.

4 So between myself and my son when this happened,
5 there may have been as much space as, you know, 16 cars.
6 Sorry; doubled, eight. It would have been eight this
7 way (indicating).

8 Q. And was this parking lot outside or was it a covered,
9 enclosed area?

10 A. Outside.

11 Q. And did only hotel guests have access to that parking
12 lot or could the public have driven through the parking
13 lot?

14 A. The public could have driven through it, but the
15 location of this hotel was at the Shilo Inn on the
16 beach, so there was nothing beyond that hotel. In other
17 words, you would have to intentionally be going to that
18 hotel and -- or through that hotel in order to end up in
19 that parking lot.

20 Q. Or to end up in that hotel portico; correct?

21 A. Correct, right.

22 Q. And did you talk to any of your fellow Republicans at
23 the convention about the incident that occurred?

24 A. I did, including Attorney General Rob McKenna.

25 Q. And did Rob McKenna think that this had happened because

1 of your position on Referendum 71?

2 A. No, he didn't. He said it's probably unrelated.

3 Q. Did you talk to any other Republicans about this?

4 A. Yes. There were a number of Republicans there,
5 hundreds, and I did talk to several of them.

6 Q. Did anything else happen during the conference that was
7 any sort of conflict between those at the conference and
8 members of the public?

9 A. Yes.

10 Q. Can you describe that for me.

11 A. I didn't witness it myself, but I heard on Sunday that
12 on Saturday night at a karaoke bar -- and I don't know
13 if it was part of the hotel or just in the neighborhood,
14 but at a karaoke bar, there had been some nasty looks
15 from people in the bar who were upset at the choices of
16 songs that the Republicans at the bar were singing. One
17 that comes to mind was "Sweet Caroline," that they
18 mentioned by --

19 MR. PIDGEON: Neil Diamond.

20 A. -- what's his name -- Neil Diamond, yes. So they were
21 singing older songs, and apparently this irritated some
22 of the people there in the bar. Now, when I told some
23 other Republicans that this had happened to [REDACTED],
24 they said -- this is how I found out about it. They
25 said, well, it's possible that someone was just angry at

1 all the Republicans here for the weekend and didn't like
2 their choice of songs in the bar last night. In fact,
3 it might have been Attorney General Rob McKenna who said
4 that; I can't recall.

5 Q. (by Ms. Egeler) Do you know whether the people that
6 were in the car and that threw the applesauce were in
7 the --

8 A. I have no idea. I wasn't at the karaoke bar, so I don't
9 know who was there.

10 Q. Do you know the age of the people, roughly, that were at
11 the karaoke bar and disagreeing with the Republicans?

12 A. Nope. I did not hear anything about the age.

13 Q. And did you talk to Attorney General McKenna about your
14 son's concerns about his personal safety?

15 A. I did.

16 Q. And can you tell me about that conversation.

17 A. In fact, that's why I talked to Attorney General Rob
18 McKenna, because [REDACTED] said, Mom, first it was in my
19 ear and now this time it was on my body, it was a
20 physical threat, and I'm afraid that next time it might
21 be sexual. And he said, do you think they would allow
22 me to carry a gun? And I said, no, I don't, because
23 you're so young. And he said, well, why don't you ask
24 Rob McKenna.

25 Q. And did you support the idea of your 13-year-old son

1 carrying a gun?

2 A. If it were legal. But it's not legal. So yeah, I would
3 have no problem with it if it would make him feel safer.
4 I trust his judgment. I don't think he would use it
5 wrongly.

6 Q. And if it were legal --

7 A. I think he would -- he would only use it in extreme
8 cause for self-defense.

9 Q. So if it were legal, you would be supportive of his
10 carrying a gun at school if he felt the --

11 A. He doesn't go to --

12 Q. -- need to do so?

13 A. -- school. He's home schooled.

14 Q. And any other incidents of harassment or threats --

15 A. Yes.

16 Q. -- that you perceived that we haven't talked about?

17 A. Yes. It just happened this week, actually, and I
18 brought --

19 MS. EGELER: Let's mark this as Exhibit -- are we
20 on 4?

21 MR. PIDGEON: Exhibit 4.

22 MS. EGELER: Okay.

23 [Off the record - discussion]

24 [Exhibit 4 marked for identification]

25 Q. (by Ms. Egeler) Can you describe this for me.

1 A. Yes. In August there was a candidate forum, a large
2 number of candidates, at the Edmonds United Methodist
3 Church on Caspers Street. And the state-representative
4 candidates from the 21st District were only asked one
5 question and that was our stance on gay marriage. And
6 the first -- I was the fifth person to answer. There
7 were six state-rep candidates, two for Position 1 and
8 four running for Position 2.

9 And the two sitting legislators support gay
10 marriage. As incumbents, they were given the right to
11 answer first, so they did. And again, my opponent is
12 one of the five or six gay representatives in our state
13 Legislature, which may have been why this question was
14 asked, but I don't know. The League of Women Voters
15 selected the questions, which were submitted by the
16 audience on paper, but the League of Women Voters chose
17 which questions to ask.

18 So they asked, what is your stance on gay marriage,
19 and I was the fifth person to answer. And because that
20 was the only chance at the mike that I had that night
21 and -- my answer did bring a round of applause and
22 people who said that they would vote for me based on
23 that answer. They told me that as I was walking back to
24 my seat. A lady said, you just got our vote.

25 Q. So what would the --

1 A. So because that was a good clip of how I can handle a
2 stressful situation and a difficult question, I posted
3 it on YouTube. And two nights ago -- or maybe it's
4 three now -- this comment was posted where someone said,
5 "Oh my God, this woman is so" F'ing "stupid. Someone
6 please shoot her in the head, again and again. And
7 again." It's someone named islander255.

8 Q. Did you click on that name, islander255, to determine
9 who it was?

10 A. Yes. And the name I couldn't see, but the -- I could
11 see other videos that this person liked or talked about
12 or posted, and it does appear to be someone who is gay.

13 Q. Does it list where the individual lives?

14 A. No. There was one -- it did -- somewhere on there it
15 said, I think, New Mexico, but I don't know if that is
16 the location of when they started the -- their -- what
17 do you call it -- account, their YouTube account, or --
18 you know, I don't know how that's -- how it's based.

19 Q. Did you see a box that contained information about the
20 individual that they chose to put?

21 A. Yes. I believe that's where I saw New Mexico.

22 Q. And did --

23 A. But --

24 Q. -- you see in that box in terms of location of residence
25 U.S. Virgin Islands?

1 A. Oh, right, that's what it was. Yeah, it was -- it's
2 Virgin Islands. Yeah, New Mexico was someone else.

3 I did some more digging around on islander255 and
4 there was a guy -- I think his last name was Watkins,
5 and he's a student -- a 25-year-old student in New
6 Mexico. So sorry; yeah, I'm confusing those two. I
7 don't know if they're the same person, though. But that
8 was -- I was looking on Twitter to see if there was
9 someone -- that's what it was. I checked islander255 on
10 Twitter to see if they're -- if it's also a Twitter
11 name, and I believe that's how I found the name of -- I
12 think it was Watkins.

13 Q. And did you see the U.S. Virgin Islands residence by
14 clicking islander255 on our Exhibit No. 4 --

15 A. Yes.

16 Q. -- to -- okay.

17 So that would show their account information for
18 YouTube; correct?

19 A. Correct. So it shows, I believe, the information that a
20 person puts in, which -- you know, you could change it,
21 you could lie, you could move and forget to update it.
22 I mean, I assume it's sort of like Facebook that way,
23 where people put down their hometown and it doesn't mean
24 that they live there.

25 Q. But it might mean that they do.

1 A. It could, yeah. It means they have some connection,
2 usually, to that, at least, you know, judging by
3 Facebook.

4 Q. Did you let the police know about this?

5 A. Yes, I did.

6 Q. And when did you contact the police?

7 A. On the 22nd.

8 Q. Of this month?

9 A. Yes.

10 Q. Just the other day.

11 And was that the [REDACTED] Police?

12 A. It was.

13 Q. Who did you speak to?

14 A. Officer Mike Bower, B-O-W-E-R.

15 Q. And did he take a report?

16 A. He did.

17 Q. And did he say he'd look into it?

18 A. No, he didn't say he'd look into it, which is another
19 thing that bothers me, because now there are three
20 incidents. And although I can't be certain that they're
21 related, they are -- I -- there are two death threats
22 and one physical assault to my family, and none of them
23 have been, I feel, really delved into by the police to
24 find out who is committing these crimes.

25 Q. You know, I wanted to go back to that phone-call death

1 threat. Did you ever contact the phone company and ask
2 about phone records for incoming calls?

3 A. I did. Yes, I did. That night, actually, I called, and
4 they said that they couldn't do it without a police -- I
5 forget the terminology, but they -- the person on the
6 other line said -- I mean, on the end said that they
7 couldn't really do anything about it, that there needed
8 to be a court -- some kind of court procedure for them
9 to dig up the records of who had called me at that time.
10 I mean, I knew it was at 6:00, I knew the date, I knew
11 the number. To me, it doesn't seem like it would be
12 that difficult to figure out who made that call.

13 Q. Did they indicate that there was any legal prohibition
14 on their disclosure of that information?

15 A. Yes, they did. And so that's why I wish that the police
16 had walked me through whatever the legal steps are in
17 order to figure out who this criminal is.

18 Q. Did you investigate what the law is that prohibits them
19 from giving you that information?

20 A. No, I didn't. I'm very busy --

21 Q. Did you --

22 A. -- right --

23 Q. Did you contact an attorney to help you with that?

24 A. No.

25 Q. Did you ever ask the counsel for the Doe v. Reed case to

1 help you get those records?

2 A. No.

3 Q. Did you ever go to the courts and ask them to help you
4 have that information released?

5 A. No.

6 Q. With respect to the incident where the applesauce was
7 thrown, did you contact the police?

8 A. Yes.

9 Q. And did they respond?

10 A. They responded, but, again, I was not happy with their
11 response. There --

12 Q. Can you tell me about their response.

13 A. Sure. There was one policeman on duty in Ocean Shores.
14 He came. He asked my son what happened.

15 Q. How fast before he responded?

16 A. It was probably about 15 or 20 minutes. Maybe 20.

17 Q. And were you in a location you felt was safe for those
18 20 minutes?

19 A. Yes. We had -- the convention center was across the
20 street from the hotel. And I did not feel safe in the
21 hotel parking lot, and so we drove over to the -- across
22 the street and parked at the convention center, where I
23 felt it was friendlier territory. The meetings had
24 already started, and so with hundreds of Republicans
25 around, I felt safer there. And so we stayed in the

1 lobby there until the policeman showed up. And I'm
2 sorry; I don't have his number, but I -- or his name,
3 but I do have the case number.

4 Q. What is that --

5 A. Do you need that?

6 Q. -- case number?

7 A. That case number was 10-OS0495.

8 And this officer listened to my son's description
9 of the incident. He wrote down a couple of notes on a
10 little spiral-bound palm-sized notebook and didn't seem
11 very concerned and then began to get into his car. And
12 I said, wait a minute. Don't I get a case number? And
13 he said -- he just sighed with exasperation, rolled his
14 eyes, and reached into the car for a little card and
15 then wrote down a number, the case number, on it.

16 And then after that, we went into the meeting and,
17 as I mentioned, talked it over with Attorney General Rob
18 McKenna. And then that meeting was over around noon.
19 The incident happened around 8:30, I believe. So when
20 the meeting was over at 11:30 or noon and everyone began
21 to leave, my son and I were headed to Olympia for the
22 week, instead of coming home, because my son was going
23 to serve as a Senate page for Paull Shin that week.

24 So before heading on to Olympia, I drove to the
25 police station, because I had decided I had probably get

1 (sic) a copy of the report to take back with me to give
2 to the [REDACTED] Police, because Officer Mehl had
3 encouraged me, if anything else happened, to file a
4 report so that all these reports would be together. So
5 I drove to the police station in Ocean Shores and it was
6 closed. As I said, there appeared to only be one cop on
7 duty.

8 Q. And what day of the week --

9 A. So --

10 Q. -- was that?

11 A. It was a Sunday.

12 So I called and left a message and told them I
13 would like a copy of the report. On Monday, I called
14 again and told -- spoke to a person that time and told
15 them I would like a copy of the report sent up to the
16 [REDACTED] Police Department. And I gave them the fax
17 number of the [REDACTED] Police Department, and they
18 assured me that they would send that. And on Thursday,
19 I called again -- if I remember correctly, Thursday or
20 Friday -- called again to follow up and see if it had
21 been sent and they said yes.

22 And then I just put it out of my mind and let the
23 matter rest. But today and yesterday, I have been told
24 both days by the [REDACTED] Police Department that they
25 never received a copy of that report, although

1 MS. EGELER: Okay, then that concludes my questions
2 at this point.

3
4 EXAMINATION

5 BY MR. STAFFORD:

6 Q. So, [REDACTED], again, my name is Ben Stafford.

7 A. Mm-hm.

8 Q. I am an attorney and I represent Washington Families
9 Standing Together, which was a coalition of civic and
10 religious organizations who supported Senate Bill 5688
11 and opposed the placement of Referendum 71 on the
12 ballot. Are you familiar with that group?

13 A. Vaguely.

14 Q. So wanted to start just asking a few questions about the
15 Ocean Shores --

16 A. Mm-hm.

17 Q. -- incident. And --

18 A. Mm-hm.

19 Q. -- you indicated that you felt that the police hadn't
20 really delved into that. So without having a license-
21 plate number, a make or model of the car, or any video
22 footage of the car, what else was it that you thought
23 the police should have done that they didn't?

24 A. My complaint about the Ocean Shores Police is not that
25 they didn't delve into it as much. My complaint is that

1 Q. -- Tea Party events, Mr. --

2 A. Mm-hm.

3 Q. -- he has spoken at.

4 A. Mm-hm.

5 Q. And so when we were talking earlier about the phone call
6 that you received --

7 A. Mm-hm.

8 Q. -- on August 23rd --

9 A. Mm-hm.

10 Q. -- that came out the same day as this article in the
11 [REDACTED]; correct?

12 A. Yeah. Not this (indicating), but --

13 Q. The --

14 A. -- the article.

15 Q. -- 8/23 --

16 A. Yes.

17 Q. -- [REDACTED] article.

18 A. Correct.

19 Q. And that same day as the article came out, you received
20 a phone call?

21 A. Correct.

22 Q. And you stated earlier that you couldn't think of
23 anything in that article that would have prompted
24 somebody to place this phone call to you.

25 A. Correct.

1 Q. And in this Facebook posting we've just been looking
2 at --

3 A. Mm-hm.

4 Q. -- would you say that it appears from that article that
5 the statement of political beliefs by this other
6 individual prompted people to break into his office and
7 throw computers out the window?

8 A. I can't guess exactly why these people attacked John
9 Koster, but I'm sure it's for his political beliefs.

10 Q. And you can't say that -- why they would have done it
11 because it's difficult to know what might make somebody
12 angry who's not you; is that right?

13 A. True.

14 Q. Something that upsets you might not upset somebody else?

15 A. Correct.

16 Q. So is it possible that somebody might oppose Tim Eyman's
17 initiative that's going to be on the ballot?

18 A. To the point of making a death threat to a child? No.

19 Q. That's not possible?

20 A. No.

21 Q. Nobody would do that?

22 A. To a child? No, I don't think so.

23 Q. And it's --

24 A. I mean, I would find it very difficult to believe.

25 Q. Do you --

1 A. It's a huge stretch.

2 Q. Do you know one way or the other?

3 A. Well, how can I -- I don't know all the people on the
4 planet or what would push their button.

5 Q. So you don't know --

6 A. You know what I mean?

7 Q. -- why somebody would place a phone call like that.

8 MR. PIDGEON: Objection; asked and answered.

9 Q. (by Mr. Stafford) You can answer the question, if you
10 can.

11 A. Say it again.

12 Q. You don't know why somebody would place a phone call to
13 you if that person did not indicate why they placed the
14 phone call to you.

15 A. Correct. However, coupled with the post on the YouTube
16 video this week, it does solidify my belief that that
17 was the reason for the strong reaction on August 23rd,
18 2009.

19 Q. The YouTube video was posted a year later --

20 A. Mm-hm.

21 Q. -- by -- you don't know if it was post -- or you don't
22 know if the person making the comment on the video was
23 the same person who placed the phone call?

24 A. Correct. But it shows the level of intensity on this
25 issue.

1 Q. You mentioned that the original version of the 8/23
2 [REDACTED] article --

3 A. Mm-hm.

4 Q. -- also included a box that had information about your
5 campaign kickoff?

6 A. Correct.

7 Q. And in that box, it listed your contact information?

8 A. Correct.

9 Q. And the contact information that was given was your
10 cell-phone number?

11 A. Yes, mm-hm.

12 Q. And that was your personal cell-phone number.

13 A. Correct.

14 Q. And no one has called that cell-phone number regarding
15 Referendum 71? Was that your testimony?

16 A. Correct.

17 MR. STAFFORD: Okay, thank you.

18 MR. PIDGEON: Okay. All right.

19

20 EXAMINATION

21 BY MR. PIDGEON:

22 Q. [REDACTED], I have a couple of questions for you.

23 A. Mm-hm.

24 Q. Now, you mentioned you taught English as a second
25 language?

1 A. Yes.

2 Q. And you said you were in China?

3 A. Yes.

4 Q. How long were you in China?

5 A. Two years, right after the Tiananmen massacre.

6 Q. Now, were you in Beijing?

7 A. I was in Tianjin, two hours east of Beijing. And many
8 of my students had participated in those protests.

9 Q. So you were aware of the Tiananmen objective.

10 A. Highly aware.

11 Q. Did you take part in that movement at all?

12 A. No. I came -- I arrived two months after the Tiananmen
13 massacre.

14 Q. And then you also taught English in the Middle East?

15 A. Yes. Three years in the United Arab Emirates, from '93
16 to '96.

17 Q. Did you learn Arabic at that time?

18 A. Just a little bit. The signs are in English and Arabic
19 and English is widely spoken as the language of wider
20 communication, because 70 percent of the people there
21 are not natives. It's an odd place to be.

22 Q. Now, you're also a member of the NRA?

23 A. Correct.

24 Q. How long have you been with the NRA?

25 A. Just one year.

1 left?

2 A. Extremely, yes. It's used extremely often and it is
3 used in an extremely derogative way to dismiss people
4 who are upset about out-of-control spending. It's used
5 to demonize people who disagree with political
6 decisions.

7 Q. So do you think it dehumanizes people who are fiscal
8 conservatives?

9 A. Absolutely. It labels, and I believe it is an attempt
10 to shut down or quiet people who disagree with the
11 current Congress's policies.

12 Q. But isn't it also a derogatory and discriminatory term
13 towards homosexuals as well and wouldn't it --

14 A. No.

15 Q. -- demean --

16 A. I --

17 Q. -- homosexuals to be called such a name as well?

18 A. You've got me there. I think it comes -- I think when
19 we talk about demeaning or demoralizing, you need to
20 consider the person on the other end and how they
21 interpret the term. If that is a term that gays use
22 among themselves or find amusing, then it wouldn't be
23 interpreted as demeaning to them. I think it depends on
24 who is listening. And -- but in this case, this is
25 clearly designed to intimidate and embarrass the people

1 calling for fiscal responsibility.

2 Q. Do you know any other blogs besides Pam's House Blend
3 that use the phraseology "tea bagger"?

4 A. Yes. Richard Davis used the term. He writes for
5 WashACE. And interestingly, I believe he is a fiscal
6 conservative. So in this case, I believe he picked up
7 the name from other people like on MSNBC, like Keith
8 Olbermann, who uses the term regularly. I believe
9 Richard Davis probably learned the term from him and did
10 not realize the connotations.

11 Q. Do you know whether or not Keith Olbermann is a tea
12 bagger in his own mind?

13 A. I am certain that he is not in his own mind, because he
14 pokes fun of -- are you talking about tea partiers or
15 are you talking about an actual doing the act? I don't
16 know what he does in his free time.

17 Q. Now, you mentioned that you had an interesting
18 confrontation with a fellow in Lynnwood who was
19 screaming about mandatory redistribution of wealth.

20 A. Yes.

21 Q. Have you ever been threatened by anybody who's an open
22 communist or Marxist?

23 A. Well, I suppose that was probably the closest that I've
24 come to being threatened. As I mentioned earlier, I was
25 amused by it and just walking away --

1 Q. But besides him, has anybody else who has identified
2 themselves as a Marxist or a communist or a socialist
3 ever threatened you, harassed you, or stalked you?

4 A. No.

5 Q. Were you a contributor to R-71?

6 A. No, I don't believe I was. No.

7 Q. Would you say -- do you know of anybody else in the
8 state of Washington that had a higher profile as a
9 signer of the R-71 petition than you did?

10 A. No, I'm not aware. Let's see. Who else was running
11 then? It was '09, so it was local races mostly, local
12 and county races that were being discussed in the news.
13 Mine was an unusual case because I started so early. So
14 no.

15 Q. So you would say you -- that you were highly public as
16 an R-71 signer.

17 MR. STAFFORD: Objection; leading.

18 Q. (by Mr. Pidgeon) Were you highly public as an R-71
19 signer?

20 A. Well, after it made the papers, yes, I felt that it was
21 extremely public.

22 Q. And since then you've received two death threats; is
23 that correct?

24 A. Correct, and one physical assault to my son, which -- I
25 don't know if it's related, but in my mind, these three

1 events are connected.

2 Q. Let's talk a little bit about what happened to [REDACTED].

3 You mentioned that you attended the election-night
4 party and that -- would that have been in November of
5 2009?

6 A. Yes.

7 Q. And at the election-night party, you also mentioned that
8 there were people taking pictures there?

9 A. Yes, a number of people taking pictures with very
10 expensive, large cameras.

11 Q. Were any of them making videos, to your knowledge, or
12 were they just snap photos?

13 A. That I'm not sure. I don't know if they were making
14 videos.

15 Q. And did one of them or more of them go out of their way
16 to take pictures of your children?

17 A. Yes, they did. Several of them, as I mentioned,
18 followed the family as we walked down the hall, and I
19 know they were taking pictures of the children because
20 we were a little bit spread out as we were walking down
21 and they were focused on the children.

22 Q. Do you think that members of the part of this community
23 that would give you a death threat would hurt your
24 children as well as you?

25 A. I do. After that death threat, yes. The man said to a

1 child, I will kill you and your family. Yes. And he
2 had heard my son say, Mom, it's for you, so he knew that
3 he was speaking to a child.

4 Q. Now, this incident that took place in Ocean Shores was
5 after that election party; isn't that correct?

6 A. Correct.

7 Q. So it's possible that someone could have had a picture
8 of [REDACTED] from the election night; isn't that correct?

9 A. Yes, it's quite correct.

10 I would like to point out also that my son also
11 spoke at that April 15th, 2009, tea party. He wrote his
12 own speech and his video was posted on YouTube. So it
13 would not be difficult to figure out what my son looks
14 like. Also, when I introduced my speech, which was also
15 posted on YouTube, I said at the very beginning, that
16 was my son, and everybody clapped again. So again,
17 it's -- yeah, his face is definitely out there.

18 Q. But [REDACTED] hasn't declared his run for any public
19 office; isn't that correct?

20 A. Correct, although he has said that he would like to run
21 someday.

22 Q. Does he still feel that way?

23 A. Yes, even more so now.

24 Q. Now, you indicate that somebody threw applesauce all
25 over him.

1 A. Yes.

2 Q. How much applesauce would you estimate was being thrown?

3 A. Judging by how long it took me to clean up the mess, I
4 would guess somewhere between -- I would guess around
5 half a cup.

6 And actually, I did find out later, just recently,
7 that someone from the Roanoke conference went back to
8 the hotel after that incident and found a container, a
9 plastic container, that looked like it could have had
10 the applesauce in it that had been thrown. So she
11 threw, apparently, the whole thing. I don't know if it
12 was one of those little recyclable ones, you know what I
13 mean, the little snack-pack size. I don't know; I
14 didn't see the container. But someone did tell me that
15 they went back and found it.

16 Q. Then you had a discussion with Rob McKenna at this
17 convention?

18 A. Correct.

19 Q. Did you tell Rob at the convention about the death
20 threat that had happened earlier?

21 A. Yes, I did.

22 Q. And you told him the express words that had -- that were
23 given to you?

24 A. I don't remember if I told him the express words, but I
25 did say, we received a death threat last August. And he

1 dismissed it as being probably not connected to the
2 physical assault that had happened that morning.

3 Q. Right.

4 But did he realize that the death threat was
5 associated with the publication of the article on R-71?

6 A. No. I don't know if he -- I don't recall if I had
7 mentioned that or not, that part of it. I might have,
8 but I don't recall if I had mentioned that to him when I
9 said, we received a death threat last August.

10 Q. Are you aware that Anne Levinson, who is the
11 representative for Washington Families Standing
12 Together, has repeatedly said in public that there is
13 absolutely no evidence of any harassment in this case?

14 A. I have -- I've not heard her say that, but I've heard
15 Secretary of State Sam Reed say it on the radio.

16 Q. Do you think that the death threat to you and your
17 family is no evidence of harassment in this case?

18 A. No, I don't. In fact, I immediately called in to that
19 radio show to tell them that there had been, and I
20 believe it was on Carlson's show, John Carlson, on KVI.
21 I immediately -- it was John.

22 I immediately called in, and they were in a
23 commercial break and they put me on afterwards. And I
24 said, it is happening. It happened to me. And I
25 briefly said, you know, I was on the front page of the

1 paper and then we got a call at 6:00 that night, and he
2 hung up immediately. And I know John Carlson knows that
3 I'm a candidate and probably didn't want to get into the
4 legal ramifications of having a candidate on his show
5 without giving the opposing candidate equal time. So
6 that may be why he hung up quickly.

7 Yeah, I suspect that I am not the only one who has
8 filed a police report and then had no follow-up to see
9 who actually did the threat.

10 Q. Are you aware of this fellow John Bisceglia? Does that
11 name sound familiar to you at all?

12 A. No. Bisceglia?

13 Q. Yeah.

14 A. John Bisceglia? Maybe -- no, it's not. If I've seen
15 the name, I'm not placing it.

16 Q. Now, you also mentioned that some of your signs had been
17 slashed with a sharp instrument?

18 A. Correct.

19 Q. Could you tell me a little bit more about that.

20 A. Yes. There are two kinds of slashing that we've seen.
21 One is slashing the entire sign off the stake so that
22 it's not usable again, and then the other kind is where
23 it's just mangled, slashed in many places with some kind
24 of sharp instrument, but not going all the way through
25 the sign. So then it's just kind of hanging in shreds.

1 Q. But the sign is essentially useless thereafter.

2 A. Correct.

3 Q. Now, can you describe how you think somebody could cut
4 one of your signs in multiple slices. How would they do
5 that, in your own mind? How would you do it if you were
6 going to make this -- you know, similar slices, do that
7 at a sign?

8 A. I suppose you would need some kind of a machete or
9 something of similar nature, and you would have to
10 anchor the sign and -- I don't actually know. I mean,
11 these signs are very firm material, so I can't picture
12 what kind of instrument they're using. But it's nasty
13 looking. It's quite frightening to come across a sign
14 like that, frankly. It bothers me.

15 Q. In what respect do you think that the -- do you think
16 that your opposition is deploying extremely sharp
17 weapons against your signs?

18 A. I do.

19 MR. STAFFORD: Objection; calls for speculation.

20 A. It would take an extremely sharp instrument to destroy
21 the signs in such a manner. And the fact that the sign
22 is not just merely stolen shows fury and anger. I and
23 my husband both perceive those kind of signs as physical
24 threats to me. It's as if they're slashing my face when
25 I see a sign like that.

1 Q. (by Mr. Pidgeon) Now, you also -- you took a position
2 in the candidate-survey response on immigration and
3 abortion.

4 A. Mm-hm.

5 Q. Have you ever had anybody who is pro-immigration call
6 you?

7 A. No.

8 Q. Have you ever had anybody who's pro-immigration blog
9 anything that you've ever seen?

10 A. Blog anything?

11 Q. Yeah.

12 Have you ever --

13 A. You mean --

14 Q. -- seen any blogs that mentioned you as a --

15 A. No, I haven't. No.

16 Q. Have you ever received any threats, phone calls,
17 harassment, or stalking from somebody who is pro-
18 immigration?

19 A. No, I haven't.

20 Q. How about on the abortion issue? Have you ever picketed
21 in public on abortion?

22 A. I have.

23 Q. Where have you picketed?

24 A. I picketed in Illinois many years ago and I have also
25 picketed in -- let's see; where is that? I guess it's

1 north Lynnwood, around 164th, several years ago. And I
2 have been to pro-life rallies in Olympia, although not
3 for a couple of years.

4 Q. Do you know whether or not Planned Parenthood was
5 created for the explicit purpose of aborting black
6 babies or African-American babies?

7 MS. EGELER: Objection to relevance.

8 Q. (by Mr. Pidgeon) Just asking your -- whether or not you
9 know that.

10 A. I do know that. Margaret Sanger believed that eugenics
11 was a good way to eliminate the part of the population
12 that she thought was not worth living.

13 Q. Do you know whether or not Planned Parenthood will
14 continue to accept donations right now that are
15 expressly reserved for only the abortion of African-
16 American babies?

17 A. Yes. I know this has been done -- exposed in several
18 cities in the last couple of years, with people calling
19 and pretending to be donors who want the money to be
20 used only to abort black babies, and the people on the
21 other end of the line at the Planned Parenthood clinics
22 agreed. This has happened in at least three cities that
23 I've read about, different incidences. It's very sad.

24 Q. Now, as a result of your picketing and your notorious --
25 I mean, I take it you were in public when you were

1 picketing?

2 A. Yes.

3 Q. Did people see you?

4 A. Yes. It was on a busy street.

5 Q. Were you ever photographed and your name in the paper
6 for doing this?

7 A. No.

8 Q. Did anybody threaten you, harass you, or stalk you as a
9 result of your picketing?

10 A. No, never.

11 Q. Has anyone who is pro-abortion in this state threatened
12 you, called you, harassed you, or blogged about you as
13 an opponent of being pro-abortion?

14 A. Not that I'm aware of.

15 Q. So is it your testimony here today that the only
16 difficulty you've had with your political campaign in
17 terms of threats, harassment, stalking, and so forth is
18 a result of your position on R-71?

19 A. Yes, and my position on gay marriage in general, as
20 evidenced by the YouTube-video comment this week.

21 Q. Now, going to that YouTube comment -- can you hand me
22 that exhibit. I believe it's Exhibit 6.

23 A. Let's see. I believe I gave --

24 Q. Exhibit 4; excuse me.

25 Now, in this exhibit, he indicates here -- do you

1 see an advocacy that you should be shot?

2 A. I do, yeah. I think he's saying, can't someone shoot
3 her? I think he is making it easier for someone who
4 lives near me to say, yeah, I think she needs to be done
5 away with.

6 Q. And this is a particular -- and this isn't shoot to
7 wound, is it?

8 A. No. He wants me not only dead, but mutilated beyond
9 recognition. He wants me shot at least three times in
10 the head, judging by this comment.

11 MR. PIDGEON: Okay, I have nothing further.

12

13 FURTHER EXAMINATION

14 BY MS. EGELER:

15 Q. [REDACTED] is there gay support for your campaign?

16 A. There is.

17 Q. Can you tell me about that.

18 A. Yes. There is a lesbian couple in my neighborhood who
19 have endorsed my campaign. One member publicly endorsed
20 me and her name is listed on my Web site, though I did
21 not put any specifics about her. And they -- that is
22 because they are also very concerned about the out-of-
23 control spending at the state level and they're very
24 concerned about our schools not doing a good job with
25 the money that they have. And so they're very excited

1 about my platform.

2 Q. And is it fair to say that your platform is not
3 predominantly -- or, rather, the predominant issue of
4 your platform is not the domestic-partnership issue?

5 A. Correct. In fact, the domestic-partnership issue is not
6 a part of my platform at all. I am only answering the
7 social-issue questions when they're presented to me.

8 Q. So --

9 A. I don't initiate the conversation on the social issues
10 because my focus is on jobs, schools, and fiscal
11 responsibility.

12 Q. And would you expect that those are the only gay people
13 in your district that are supporting you?

14 A. No, I would not. I would guess that there are other
15 gays and lesbians who are supporting me, again, because
16 they have similar concerns about the spending and the
17 higher taxes and money not being used wisely to support
18 the services that our state provides.

19 Q. You said that you participated in some picketing
20 regarding the abortion issue. Can --

21 A. Several years ago.

22 Q. Was it one incident, then?

23 A. I can remember one incident here, yes, in Washington
24 State.

25 Q. And that was at the State Capitol?

1 A. No, that was at -- that was in Lynnwood on, I believe,
2 164th. There's a church there where we met, and then we
3 walked down the street a few blocks, turned around, and
4 came back up the street.

5 Q. So it wasn't picketing outside an abortion clinic.

6 A. No. I've never done that.

7 Q. Was the picketing with respect to a pending legislative
8 issue regarding abortion?

9 A. No. It was just a general pro-life -- you know, we want
10 to respect life. I don't remember that there was
11 anything hot on the ballot at the time or in the
12 Legislature.

13 Q. Did you carry any signs, you being the group?

14 A. Yes, the group did carry signs. No pictures, you know,
15 of fetuses or anything like that. It was just messages
16 like protect life, that type of thing.

17 Q. And did the signs say anything negative about abortion,
18 as opposed to a positive statement about protecting
19 life?

20 A. I don't recall. I suppose -- I mean, it's possible it
21 might have said, abortion stops a beating heart, or some
22 kind of phrase like that, but I'm just speculating. I
23 don't recall any specific signs.

24 Q. And when you walked down the street, was that on a
25 residential street?

1 CERTIFICATE

2 STATE OF WASHINGTON)
3)
4 COUNTY OF SNOHOMISH)

5 I, the undersigned Notary Public in and for the
6 State of Washington, do hereby certify:

7 That the foregoing is a full, true, and correct
8 transcript of the testimony of the witness named herein,
9 including all objections, motions, and exceptions;

10 That the witness before examination was by me duly
11 sworn to testify truthfully and that the transcript was made
12 available to the witness for reading and signing upon
13 completion of transcription, unless indicated herein that the
14 witness waived signature;

15 That I am not a relative or employee of any party
16 to this action or of any attorney or counsel for said action
17 and that I am not financially interested in the said action
18 or the outcome thereof;

19 That I am sealing the original of this transcript
20 and promptly delivering the same to the ordering attorney.

21 IN WITNESS WHEREOF, I have hereunto set my hand and
22 seal this 12th day of October, 2010.

23 _____
24 Notary Public in and for the State of Washington
25 residing at Edmonds, Washington.
(Notary expires 3/09/13)
(CCR No. 2699)

AFFIDAVIT

STATE OF WASHINGTON)
)
COUNTY OF SNOHOMISH)

I have read my within deposition and the same is true and accurate except for any changes and/or corrections, if any, as noted by me on the correction sheet hereof.

the 1990s, the number of people in the United States who are 65 years of age or older has increased by 50% (U.S. Census Bureau, 2000). The number of people aged 65 and older is projected to increase to 20% of the total population by the year 2020 (U.S. Census Bureau, 2000). The increase in the number of people aged 65 and older has led to a corresponding increase in the number of people who are dependent on others for their care. The number of people aged 65 and older who are dependent on others for their care is projected to increase from 10% in 1990 to 20% in 2020 (U.S. Census Bureau, 2000). The increase in the number of people who are dependent on others for their care has led to a corresponding increase in the number of people who are dependent on others for their care. The number of people aged 65 and older who are dependent on others for their care is projected to increase from 10% in 1990 to 20% in 2020 (U.S. Census Bureau, 2000).

SUBSCRIBED AND SWORN to before me on this, the

5TH day of NOVEMBER, 2010.



NOTARY PUBLIC in and for the State of
Washington residing at EDMONDS,
Washington.

Notary expires: Dec. 8. 2017

Exhibit 1-4

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	NO. 09-cv-05456-BHS
)	
SAM REED, et al.,)	
)	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION OF [REDACTED]

September 27, 2010

Tacoma, Washington

DIXIE CATTELL & ASSOCIATES
COURT REPORTERS & VIDEOCONFERENCING
(360) 352-2506 ** (800) 888-9714

EGELER ([REDACTED] , 9/27/10)

Page 4

1 BE IT REMEMBERED that on Monday, September 27,
2 2010, at 10:19 a.m., at 1250 Pacific Avenue, Suite 136,
3 Tacoma, Washington, before REBECCA S. LINDAUER, Notary
4 Public in and for the State of Washington, appeared [REDACTED]
5 [REDACTED], the witness herein:

6 WHEREUPON, the following proceedings were had, to
7 wit:

8
9 [REDACTED], having been first duly sworn by
10 the Notary, testified as follows:

11 EXAMINATION

12 BY MS. EGELER:

13 Q Good morning, [REDACTED]. We're finally off and running.
14 We have Steven Dixson with Washington Coalition for Open
15 Government joining us on the phone, and also joining us on
16 the phone is Stephen Pidgeon with Protect Marriage
17 Washington. If either of them has any trouble with this
18 setup hearing us, we'll just interrupt the deposition to get
19 our technology straightened out and then we'll pop back on.

20 [REDACTED], my name is Anne Egeler, and I'm with the
21 Washington Attorney General's office, and my first question
22 to you is: Have you ever been deposed before?

23 A Well, I'm 67 years old, so my history goes back quite a
24 ways, but at the moment, I can't recall a case where I was
25 deposed.

EGELER ([REDACTED] , 9/27/10)

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1 signature is hardly the issue. It would be like saying,
2 well, would President Obama object to a public disclosure of
3 the fact that he and Michelle voted for Obama in 2008?
4 Obviously it's a whole different case.

5 Q I understand that you feel that you have suffered some
6 threats or harassment as a result of your involvement with
7 Referendum 71. We would like to explore each of those
8 instances this morning, so let's start by having you begin
9 that narrative and let me know what --

10 A Would this be a good time to take a quick bathroom break?

11 Q It would be a good time.

12 (Recessed at 10:45 a.m.)

13 (Reconvened at 10:48 a.m.)

14 A I wonder if I could add one additional point to the last
15 question. Also, the issue of a person who is active
16 politically having their signature released raises the
17 question of risk. Part of the problem, the concern of many
18 of the signatories, is that they took a risk to sign --

19 Q (By Ms. Egeler) I'm going to interrupt you and just let you
20 know during the deposition process it's sort of a question
21 and answer period and --

22 A Well, this is in answer to your question, so I would say
23 that because I've already taken the risk by becoming a
24 spokesman for this issue, I've crossed that line already.

25 Q Okay.

EGELER ([REDACTED] , 9/27/10)

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1 A There's no additional risk worthy of mention by having the
2 signatures released.

3 Q So let's start discussing now any threats or harassment that
4 you feel you suffered as a result of your involvement with
5 Referendum 71.

6 A Okay. Yes, there was one particular case, which is what I
7 signed the affidavit in regard to. Do you want me to read
8 this or recite it from memory?

9 Q Recite from memory and let me know if you still remember.

10 A Yeah. It was a pretty vivid experience, so it's impressed
11 upon my memory. It was on October 11. I was taking a ferry
12 from Seattle after one of the debates I mentioned. This
13 particular debate was at -- at a church in Shoreline, sort
14 of in the Richmond Beach area. That was one of the
15 non-televised debates. Wherever I went on debates, I always
16 took R71 brochures. We have a nice little colorful brochure
17 that we hand out to people in the audience and so on.

18 On the way, I'm riding the ferry back. You know, as a
19 [REDACTED] resident, I spend a good time of my -- part of my
20 time living on the ferry. I asked one of the attendants if
21 it would be okay, during the hour ride, if I distributed R71
22 brochures to the passengers.

23 And she wasn't willing to grant me permission on her
24 volition, so she called the captain on the phone. And he
25 said, okay, as long as it doesn't become, you know, really

EGELER ([REDACTED] , 9/27/10)

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1 heated. In other words, just pass them out and keep your
2 cool, which is what I did on the entire main deck without
3 any particular incidents. A few people would ask a question
4 or two, but everything was quite civilized.

5 Then I went to the upper deck. It's a two-deck ferry.
6 I did the west end of the ferry, the same thing. Everything
7 was fine. Then I went to the east end and this was the last
8 quarter of the ferry that I was going to do. And I started,
9 as I did on that occasion, going to each table where
10 someone's sitting or chair and asking them first if they had
11 voted. If they had already voted, I didn't feel it was
12 necessary to hand out a brochure, and so I just pass on.

13 But this gentleman said that he had not voted yet, and
14 so I handed him a brochure and moved on. He said thank you.
15 I moved on. I would say 20, 30 seconds passed. I'm one or
16 two tables further along when I hear a huge shrieking
17 commotion coming from this person. He's just screaming at
18 me, using foul language, and wadded up the brochures. Said,
19 this is a bunch of shit, and threw it at me at about a
20 distance maybe from here to that blackboard. And --

21 Q How many feet would you say that is?

22 A It's probably four yards, 12 feet.

23 Q Okay.

24 A And he must have been a pretty good shot because it was
25 heading straight for my head. And I dodged it and it went

EGELER ([REDACTED] , 9/27/10)

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1 by, and I made a mistake and sort of taunted him and said,
2 you missed, or words to that effect.

3 He became even more incensed and enraged and just was
4 carrying on about he and his male partner had just as much
5 right to get married as I did. And shrieking and screaming
6 how dare I and da-da-da. And it was really quite a
7 sensational experience for everyone on the aft the end of
8 the ferry. There wasn't anybody that couldn't hear this
9 commotion going on, including a lady who was sitting there
10 with her two young children. She pleaded with him to stop
11 carrying on like that in front of the kids, but that didn't
12 even phase him. He continued on.

13 And then he tried to get the passengers to stand up and
14 take a vote. He was going to do an on-the-spot politicide
15 right on there the ferry as to whether they agreed or
16 disagreed with same sex marriage. And I realized at that
17 point I was dealing with a person who was at least
18 temporarily berserk, and so I saw no point in continuing. I
19 briefly had an exchange or two on the issue with him. It
20 was nonproductive.

21 So I just turned around and starting heading for the
22 other end of the ferry, but he shadowed me. He stayed four,
23 five, six feet behind me, the width of the table, I would
24 say. Whichever way I would go, I'm watching him sort of out
25 the back of my -- the side of my eyes as best you can when

EGELER ([REDACTED] , 9/27/10)

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1 he's directly behind you. I could see that whichever way I
2 would go, he would go that way and muttering low tones to
3 himself or to me. Anyway, it was unintelligible. I was
4 more than anxious to be rid of this individual and to
5 terminate the whole experience.

6 And so I'm trying to make my escape and he's not
7 letting me get away. Fortunately two ferry workers who were
8 in the kitchen there -- this was late in the ferry route, so
9 there weren't any customers in the line there. They have a
10 long counter that's maybe 50 feet long or 40 and there's
11 aisles with food on either side and then a kitchen in here.

12 They came out of the kitchen and went right up to the
13 front and stood there. And I just skirted around behind
14 them and went down that aisle, and they prevented him from
15 following me. So they came to my assistance, allowed me to
16 make my escape. I went as quickly possible downstairs to my
17 car and stayed in the car for the duration of the ride.

18 Q You said that he was not letting you get away. Did you mean
19 because he kept following you?

20 A He stayed right with me. Shadowing me would be the word I
21 would use.

22 Q Continued to have that four- to six-foot distance?

23 A Yes.

24 Q What was he shouting? I was little confused. Was he
25 shouting or muttering to himself?

EGELER ([REDACTED] , 9/27/10)

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1 A Well, when he was following me, he wasn't shouting quite so
2 loud because he was -- this was sort of the second phase of
3 this confrontation with him behind me, me trying to get
4 away, him following. What he was saying was unintelligible
5 to me.

6 Q So that --

7 A But he was right behind me. He had a kind of a menacing-
8 type tone and possibly -- you know, somebody is berserk, you
9 don't know what sort of idea he might have in his mind, but
10 what was he doing shadowing me? I was really concerned he
11 might escalate to the next level. I didn't want to get
12 smacked in the back, you know, as I'm walking.

13 So I was more than -- I was really grateful for those
14 two ferry workers. I didn't stay to thank them, but I
15 wished I could.

16 Q So at the time he was following you, what he was saying was
17 unintelligible. He was muttering?

18 A Right.

19 Q But earlier when you first had him -- you didn't have him,
20 but he chose to stand up and shout at you, what was he
21 shouting at that time? I know it's not pleasant to repeat
22 swear words, but it is important that we get this down
23 accurately, even if there was foul language.

24 A Well, the only swear word I can for sure identify from
25 memory was when he said this is a bunch of shit and then

EGELER ([REDACTED] , 9/27/10)

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1 could -- just got increasingly -- you know, he, after he
2 threw the brochure at me, which was wadded up into a ball,
3 and missed me and I made probably the mistake of taunting
4 him a little bit by saying you missed, he became louder.

5 And it wasn't so much vulgar at that point as just sort
6 of an issue of him screaming and shrieking at me. A couple
7 times I made the attempt to sort of get, you know, get my
8 point in, but he was just not going to hear of it.

9 Q So what was he saying at that point when he was --

10 A He was saying, in particular, I remember he was saying that
11 he and his boyfriend had just as much right to get married
12 as I did. How he knew I was married, I don't know.

13 Q How did you respond to that? You said you did --

14 A I did say something about consent of the governed or the
15 general issue, which is so important to me, namely that the
16 people have a right to govern themselves. Thomas Jefferson
17 said this was most valuable of all freedoms, right of the
18 people to be self-governed. The people of this country have
19 made it perfectly clear they don't want to redefine marriage
20 to include same sex couples. I didn't have time so say all
21 that in the course of this heated crazy shouting match on
22 his part. I wasn't doing any shouting, but I attempted to
23 calm him down a little bit by making a point in the hopes he
24 would be become a little more rational, but I was getting
25 nowhere and then the lady started pleading for him to stop

EGELER ([REDACTED] , 9/27/10)

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1 shouting.

2 Q Do you think he may have been mentally ill?

3 A It depends how you define mental illness, I guess.

4 Q You just used the word "berserk" earlier and I wondered --

5 A Yeah. I mean, whether it was temporary or some kind of
6 chronic condition with him, I, of course, have no way of
7 knowing.

8 Q But you did feel that he was unwell at that moment?

9 A He was out of control.

10 Q I understand he threw the brochure at you. Did he throw
11 anything else?

12 A No.

13 Q Did he verbally threaten violence or was it more the
14 intimidation of following?

15 A Yeah, the latter.

16 Q And do you remember how big he was, what he looked like?

17 A Yeah. He was shorter than me. I would say he's maybe 5'6"
18 to 5'8", of color.

19 Q So African-American?

20 A Um-hmm.

21 Q "Yes"?

22 A Yes.

23 Q And his build, roughly?

24 A I wouldn't describe him as skinny or fat, just sort of
25 normal build.

EGELER ([REDACTED] , 9/27/10)

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1 Q And how tall are you?

2 A Six feet.

3 Q Did he follow you down to the area of the ferry that has the
4 parked cars or were you able to get away?

5 A No. Thanks to the ferry attendants, I was able to lose him
6 at that point. I was on the upper deck.

7 Q Were there any police officers in the vicinity at all?

8 A If there were, if they arrived later, I don't know because I
9 got in my car and I stayed there. I didn't see any activity
10 down on the car deck.

11 Q Sounds like the ferry workers saw it and took care of the
12 situation?

13 A Um-hmm.

14 Q "Yes"?

15 A Yes.

16 Q Any other instances that occurred?

17 A Do you mean other than this particular day?

18 Q Yes.

19 A The fellow that -- not really. I mean, I wouldn't count the
20 sort of harassing sort of questioning that came from the
21 audience at the Seattle Public Library as threatening in the
22 sense that this was.

23 Q Okay.

24 A So no.

25 Q So you just -- okay.

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing deposition of [REDACTED] was taken before me and completed on the 27th day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of [REDACTED] and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 4th day of October, 2010.



Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.

Exhibit 1-5

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual; JOHN
DOE #2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity
as Secretary of State of Washington;
BRENDA GALARZA, in her official
capacity as Public Records Officer
for the Secretary of State of
Washington,

Defendants.

No. 09-CV-05456-BHS

Deposition Upon Oral Examination
Of

Taken by: Tracey L. Juran, CCR
CCR No. 2699

September 28, 2010

Everett, Washington

Tracey Juran, Certified Court Reporter

1 Be it remembered that the deposition upon oral
2 examination of [REDACTED] was taken on
3 September 28, 2010, at the hour of 2:08 p.m. at 3501
4 Colby Avenue, Suite 200, Everett, Washington, before
5 Tracey L. Juran, CCR, Notary Public in and for the State
6 of Washington residing at Edmonds, Washington.

7 Whereupon the following proceedings were had,
8 to wit:

9 * * * * *

10 [REDACTED], having been first duly sworn on
11 oath by the Notary Public to tell
12 the truth, the whole truth, and
13 nothing but the truth, was deposed
14 and testified as follows:

14 EXAMINATION

15 BY MS. EGELER:

16 Q. [REDACTED], as I stated earlier when we first met, my name
17 is Anne Egeler and --

18 A. Mm-hm.

19 Q. -- I'm a Deputy Solicitor General with the Attorney
20 General's Office, and I'm representing the defendants in
21 this case, Sam Reed's position.

22 Have you ever been deposed before?

23 A. Oh, I can't remember. I don't remember ever being
24 deposed. I may have been.

25 Q. Well, I will remind you of a few rules that we have.

1 page --

2 A. Mm-hm.

3 Q. -- on the second and third lines -- or boxes of the back
4 page, it lists [REDACTED] and
5 contributions on August 13th of '09. Is the address
6 listed correct?

7 A. Yes.

8 Q. And we've talked before about the fact that the
9 occupation is incorrect, is that right, on the box for
10 [REDACTED]?

11 A. Oh, yes, that is incorrect. I'm a [REDACTED], not a
12 [REDACTED]. But that's a common mistake that
13 often happens.

14 MS. EGELER: Then one last exhibit. We'll mark
15 this Exhibit No. 7, I think.

16 [Exhibit 7 marked for identification]

17 Q. (by Ms. Egeler) And what we've marked as Exhibit 7 to
18 your deposition is a page printed on [REDACTED],
19 [REDACTED], from the [REDACTED].
20 Are you familiar with this letter that appears on this
21 exhibit?

22 A. If I read it, I might be. Do you want me to read it?

23 Q. Please.

24 A. The whole thing?

25 Q. Until you can determine whether or not this message that

1 appears under the headline, "Important message from
2 [REDACTED] on R-71," exclamation point, is
3 something that you actually wrote.

4 A. Okay, what was the question again?

5 Q. Do you recognize this letter as something that you
6 wrote?

7 A. Yes. Not specifically I wrote, but I endorsed.

8 Q. And on page 2 (sic) of this Exhibit No. 7 --

9 A. Mm-hm.

10 Q. -- it ends with, "Sincerely," and a signature of
11 "[REDACTED]" --

12 A. Mm-hm.

13 Q. -- "[REDACTED]." Is that your writing of
14 "[REDACTED]"?

15 A. Yes. Well, it's an electronic signature. Is that what
16 you're asking me?

17 Q. Did you authorize an electronic signature of this
18 letter?

19 A. Yes.

20 Q. And did you state to [REDACTED] that
21 they could post this on their Web site?

22 A. Yes.

23 Q. So now I wanted to ask you about anything that you
24 perceived as harassment or threats that you suffered as
25 a result of your association and involvement with

1 Referendum 71.

2 A. Well, it started with -- and I don't know what point it
3 started. I can't give you dates specifically. Here
4 (indicating) you see a date of 11/27/09.

5 MS. EGELER: Let's mark that as Exhibit No. 8.

6 Q. (by Ms. Egeler) This is something that you produced in
7 response to the subpoena duces tecum; correct?

8 A. Yes, as per your request.

9 [Off the record - discussion]

10 [Exhibit 8 marked for identification]

11 Q. (by Ms. Egeler) What we've marked as Exhibit No. 8 is
12 a -- it looks like a photocopy of a letter that you
13 produced. And in the upper-left-hand corner there's a
14 date, 10/27/2009, Tuesday, 12, colon, 51, and a fax
15 number that appears.

16 A. Mm-hm.

17 Q. Can you please describe this exhibit for me.

18 A. It's a letter that I -- that was faxed to me as per the
19 fax number that you can see. [REDACTED] is the phone
20 number, the fax phone number. And this is -- was sent
21 to me on my personal home fax machine.

22 Q. And on the fifth line down it states, "[REDACTED]
23 [REDACTED]," and, in parens, "bigot," and it has a fax
24 number that's a 360 number. But this didn't come in --

25 A. That's my fax number.

1 Q. The 360 is.

2 A. Yes. That's my number that they're sending it to.

3 Q. So was this faxed to the 360 number or the 206 number
4 that appears at the top of the page?

5 A. No, this (indicating) is their footprint of the person
6 who sent it to me.

7 Q. So it was sent to you at the [REDACTED] number.

8 A. Correct.

9 Q. Is that the fax machine at your legislative office?

10 A. No, no. This is my home, personal home.

11 Q. And do you know how someone would have obtained that fax
12 number?

13 A. Yes, I know exactly. In fact, that is not my fax
14 number, that is my home line. So if you'd like, I will
15 explain this whole thing to you. This is the result of
16 several harassing, nasty messages that were -- first of
17 all, they were to me personally. When I would answer
18 the phone, I would hear comments of my involvement --
19 against my involvement in the referendum.

20 And after I don't remember how many of those -- but
21 this is the line that I use to take care of my
22 legislative business. And how they got that number, I
23 don't know, but it is my husband's phone. My husband's
24 name is in the phone book, so I presume that's how they
25 got the number. And often it is also printed on

1 campaign brochures. So that could have been another
2 means by which they got that number, to answer that
3 question as to how they got that number.

4 So I answered a number of calls not realizing that
5 they were not something that I wanted to listen to,
6 thinking it was to do with my -- either personal or my
7 legislative responsibilities. And finally, they were
8 tying up my phone, number one, and number two, they were
9 very, very embarrassing and -- I guess if I could give a
10 physical response, they would make the hair stand up on
11 the back of my neck. And I certainly don't want this to
12 be used in any way for anybody in this room to take this
13 as they worked, so let's keep doing it.

14 Q. I understand.

15 A. I want to make that very clear. This is very, very
16 chilling experience.

17 Q. Can you tell me how many phone calls there were?

18 A. I would say there were -- well, finally, I stopped
19 answering the phone and they went to my answering
20 machine. And I know the number was 15 on my answering
21 machine. I can't tell you how many I answered
22 beforehand; I don't know. It was a very emotional, gut-
23 wrenching experience.

24 Q. Let's start with the ones that you did answer and talk
25 about those in detail. I understand some of these

1 questions are unpleasant and I'm asking you possibly to
2 repeat something ugly.

3 A. I can't repeat them. You know what happens when you've
4 had a traumatic experience? You blank it out. I happen
5 to know this and this (indicating) because it's in
6 writing. But quite honestly -- and I did not even
7 listen to all those messages. I deleted them.

8 Q. With respect to the phone calls, do you recall anything
9 that was said specifically?

10 A. The word "bigot" was used a lot and "bitch."

11 Q. And --

12 A. Those were two that really stick out in my mind. Beyond
13 that, be honest with you, I really blocked it out.

14 [Cell phone ringing]

15 THE WITNESS: Oh, excuse me.

16 Q. (by Ms. Egeler) Do you recall whether the caller said
17 anything about Referendum 71 or domestic partnership?

18 A. They must have, because I knew that's what it was. But
19 maybe it was just the language and the vitriolic
20 intimidation.

21 Q. So are you uncertain whether they mentioned
22 Referendum 71 or same-sex marriage?

23 A. I knew that's what it was.

24 Q. But do you recall specifically that they mentioned it?

25 MR. PIDGEON: Objection; asked and answered.

1 Q. (by Ms. Egeler) You can go ahead and answer.

2 THE WITNESS: I'm sorry; what'd you say?

3 MR. PIDGEON: You can answer.

4 A. I remember the words "homosexual," but I don't remember
5 it in specific reference to this (indicating).

6 Q. (by Ms. Egeler) And by to this, you mean to --

7 A. I mean --

8 Q. -- Referendum 71?

9 A. -- to Referendum 71, yeah; excuse me.

10 I don't recall that they actually said, because
11 you're involved in Referendum 71, we are calling you. I
12 don't recall that. But I -- there was no -- there was
13 not a doubt in my mind. Just -- because I don't get
14 these kinds of phone calls. I mean, you know, people
15 are generally very polite and intelligent sounding.
16 These were obviously people who had an agenda that I
17 fully understood.

18 Q. And how many calls did you answer?

19 A. I am thinking two to four before I figured out what was
20 going on.

21 Q. Were you able to determine what number the calls that
22 you answered were --

23 A. No.

24 Q. -- coming from?

25 A. No. I don't have caller ID.

1 Q. And did you afterward dial star 69 or any combination to
2 try and find that phone --

3 A. You know --

4 Q. -- number?

5 A. -- it was such an emotional -- I did not dial star 69
6 because it was a very gut-wrenching, emotional
7 experience. It was a kind of thing that made the hair
8 stand up on the back of my neck.

9 Q. Did you ask the individual who they were?

10 A. No, I didn't. I didn't --

11 Q. Did you contact --

12 A. I did not --

13 Q. Oh, excuse me.

14 A. Excuse me.

15 I did not want to engage them in conversation.

16 Q. Did you contact the police after these phone calls?

17 A. I mentioned it to my office and my office then proceeded
18 to contact our security, because we do this at the
19 Legislature.

20 Q. So your legislative office staff contacted legislative
21 security.

22 A. I -- no. I asked them -- my office staff what I might
23 be able to do with legislative security, because that's
24 what we usually do in these cases. And she said,
25 because it is an initiative, we -- our office is not

1 allowed to be involved in this. But -- and being it was
2 a phone call, no.

3 Q. Was it --

4 A. If they had threatened me with -- when you are in the
5 Legislature, for example, then we do. We definitely
6 report it and it is investigated.

7 Q. And the person who said that nothing could be done since
8 this was about an initiative, was that someone on your
9 staff or someone in legislative security?

10 A. No, I did not talk to legislative security.

11 Q. And --

12 A. Now, let me go -- let me continue this. So how did
13 they -- how did I get this (indicating)? What happened
14 when I continued to get the harassing phone messages
15 was, I had two choices: Turn my answering machine
16 office and just -- off and don't answer the phone. And
17 I knew that they would continue to tie up my phone line,
18 so instead, I called my office and said, I am forwarding
19 my lines to my fax number. It's a dedicated number.

20 So I forwarded to my fax number. And then calls
21 were coming in and they would naturally get the fax
22 tone, and then eventually they quit. Because I knew
23 that just turning my answering machine off or whatever,
24 they were going to continue to tie up my phone line. I
25 wasn't going to have use of my phone line anyway, so I

1 decided I would forward it to my fax-machine line. So
2 that's why they started sending this (indicating), was
3 because they heard the fax tone and then they could send
4 this.

5 Q. And by this, you mean what we've marked as Exhibit
6 No. 8.

7 A. Yes, and Exhibit No. 9.

8 Q. Which we will definitely get to, but I want to explore a
9 little bit more with you about the phone calls.

10 A. Okay.

11 Q. When your office staff advised you that legislative
12 security couldn't do anything, did you call the police?

13 A. No.

14 Q. And why not?

15 A. Because I went ahead and forward it to my fax line.

16 Q. And that took care of things.

17 A. Well, it did after two faxes came in. I think they
18 figured it out. And I only got two faxes. However --
19 excuse me -- the fax did ring a few times after I
20 forwarded it without anything coming in. I just
21 remembered that. It didn't stop immediately.

22 Q. And in reference to the phone calls, you've been using
23 the word "they." Do you think it was more than one
24 person that you heard on the phone?

25 A. They being the opponents of the initiative, I am

1 concluding.

2 Q. Did you hear more than one voice on the telephone calls
3 that you did pick up?

4 A. You mean did I hear a bunch of people in the background
5 yelling or something? Is that your question?

6 Q. Well, let's start with that.

7 Did you hear just one voice or did you hear people
8 in the background?

9 A. You have to realize the emotional impact of this. And
10 when you're hearing something that is foreign to the way
11 you generally communicate with people, number one, and
12 number two, that -- the disrespect and the vitriolic
13 attack, you don't much -- I could tell you they were
14 speaking English and I could tell you it was a man's
15 voice. I didn't have any women call. So beyond that --
16 was there more than one man's voice on the phone? I
17 don't recall that.

18 Q. In the two to four phone calls that you did answer, if
19 you're able to recall, was it the same man's voice, to
20 your --

21 A. No.

22 Q. -- recollection?

23 A. No. I definitely know it was more than one person
24 making different phone calls. And I don't know -- the
25 same man might have called more than once, but of the

1 calls that I answered, it was different voices.

2 Q. Was it always a man's voice?

3 A. I never had a call from a woman. If it was a woman, it
4 sounded like a man.

5 Q. And you mentioned that there were about 15 answering-
6 machine messages; is that right?

7 A. Yes.

8 Q. Are you sure of that number?

9 A. No. You said about and that's what I said.

10 Q. So could it have been more than 20?

11 A. I really believe it was -- you know, the number 15
12 flashes in my mind, but I could be mistaken in that.

13 Q. And did the answering machine record the phone number
14 that the call came from?

15 A. No. My machine does not do that.

16 Q. And do you recall what was said in any of those
17 messages?

18 A. Well, as I said, I listened to one, maybe two, and then
19 I didn't listen to the rest. I wasn't always present in
20 the room. Is that your question? I wasn't always there
21 to hear them coming in. I wasn't monitoring it per se.
22 So there were a few that I heard right after, you
23 know -- seemed like they came in within a matter of a
24 three-day period of time. And then I just -- I would
25 listen and knew that it wasn't any voice I recognized

1 Q. And after you concluded that it had passed, you then
2 stopped forwarding your phone to --

3 A. Yes.

4 Q. -- your fax line?

5 And after you stopped forwarding your phone to your
6 fax line, did you receive any other calls of that nature
7 on your home phone?

8 A. I don't recall any. I don't recall. If there was, it
9 was not significant enough that I remember it. So no.

10 MR. STAFFORD: Okay, thanks. That's all I have.

11 MR. PIDGEON: Okay, I have just a few.

12

13 EXAMINATION

14 BY MR. PIDGEON:

15 Q. I have only a few questions, [REDACTED].

16 If we could, let's begin with this Exhibit 1.

17 A. Okay.

18 Q. I want you to take a look at that. And just for sake of
19 clarification, now, you're not the one holding that
20 sign, right? That's someone else holding that sign?

21 A. Yes, that's correct. I'm not holding it.

22 Q. So the representation --

23 A. I'm gesturing with my hand, whatever I'm saying.

24 Q. So the representation that's made on that sign, which
25 reads something like, "Don't bring Sodom and Gomorrah to

1 appears on the page is just a screen shot.

2 A. I gotcha.

3 Q. Now, on Exhibit -- let's see if we can find this -- the
4 exhibit that's the PDC record --

5 A. Mm-hm.

6 Q. -- this one here (indicating) --

7 A. Okay.

8 Q. -- where you are mislabeled as a [REDACTED] --

9 A. Right.

10 Q. -- it is true that a [REDACTED] does represent.

11 A. That's true.

12 Q. Right?

13 So --

14 A. Yes.

15 Q. So this could be true if this were, shall we say,
16 uncapitalized. Of course, it's all in caps, right?

17 A. Yes.

18 Q. So it could be an accurate statement that you were a
19 person employed by the State who did represent people.

20 A. That's correct.

21 Q. But it's inaccurate if it's used as a proper noun.

22 A. That's right. But this does -- this often happens.

23 Q. Understood. People that didn't follow the campaign
24 closely enough.

25 A. Either that or I was in a database as having been a

1 [REDACTED] back when and that just kind of follows.

2 And the PDC could have made that mistake, but I don't
3 think that's the case here. I think it's probably
4 the -- what was filed.

5 Q. Now, in terms -- let's go, if we can, to Exhibit 8 and
6 Exhibit 9 --

7 A. Okay.

8 Q. -- again. I'd like to explore these just a little bit
9 more. Now, when you had the --

10 MS. EGELER: Just a minute, please.

11 MR. PIDGEON: Sorry.

12 Q. (by Mr. Pidgeon) When you had the phone calls directed
13 to the fax machine --

14 A. Mm-hm.

15 Q. -- do you have your phone set up in such a way that if I
16 were to call your home phone and you weren't home, it
17 would say, okay, you've reached the campaign of

18 [REDACTED], or whatever, but if you -- you
19 know, leave a message, but if you wait a certain period
20 of time, you can also leave a fax? Did you have it --

21 A. No.

22 Q. -- set up that way?

23 A. No, no. It's a dedicated line.

24 Q. It's a dedicated line.

25 A. This -- the fax machine is on a separate line totally.

1 Q. So you actually switched the lines?

2 A. I actually call forwarded my phone. From my home
3 number, I just call forwarded it to the fax number.

4 Q. Now, is it your experience that someone who might be
5 leaving threatening phone calls with lots of bad
6 language, if they knew it was going to be in writing,
7 they might mitigate some of that language?

8 A. I would expect so. But this is a -- I mean, the fact
9 that they would document this (indicating) in writing
10 tells me that the elevator doesn't go all the way to the
11 top. I mean, I just didn't think that was a very bright
12 thing to do. So --

13 Q. Well, let's talk a little bit about the phone calls that
14 you did receive. You mentioned that you may have heard
15 the word "homosexual." Is that true?

16 A. I said that? Okay. It would not have been that -- that
17 would be my interpretation. They would say gay, as he
18 (indicating) referred to it, you know, the way they have
19 taken the word "gay" and applied it to the homosexual
20 activities. So that's my interpretation of what was
21 said.

22 Q. Now, these phone calls, this was during the actual
23 course of the R-71 campaign, is that right, when this
24 flurry came in?

25 A. Yes.

1 Q. And is it your -- is -- are you -- is it your idea that
2 it pretty much came in around this time in October; say,
3 between October 22nd and October 27th? Is that about
4 the timing that all this happened, this flurry?

5 A. It was with -- this -- these came in the same day.

6 Q. The same day.

7 A. Yeah. So, see, these dates just don't -- I don't know
8 why they're -- but they came in the same day. And it
9 was -- and I know that -- I remember that because it
10 wasn't long after that that they stopped calling,
11 realizing that they were getting a fax. These two, for
12 some reason, decided that they were going to write out
13 their animosity.

14 Q. Now, taking a look at Exhibit 8 --

15 A. Mm-hm.

16 Q. -- let's look up here (indicating) at this signature
17 block up here.

18 A. Yes.

19 Q. Do you see where it -- where Barry Brumitt appears,
20 97 -- or 910 17th Avenue East, Seattle --

21 A. Mm-hm.

22 Q. -- Washington, 98112; Email address, barry6@gmail.com?

23 A. Yes.

24 Q. Do you see how that margin lines up like that?

25 A. I caught it.

1 Q. So it looks like the "Dr." has been added onto that,
2 doesn't it?

3 A. I caught that too.

4 Q. Is that why you thought that maybe he's not really a
5 doctor and he just kind of added that to it?

6 A. In the back of my mind, it was a thought, because more
7 than any -- I mean, you examine this and it doesn't
8 quite gel. Why would a doctor give himself away in this
9 fashion? And so I saw -- I mean, that's the first
10 thought: Why would a doctor do this? I mean, he's got
11 a professional business to run and why would he take
12 time, number one? Number two, why would he document
13 himself in that fashion? And then number three, you
14 look at this (indicating) -- and I did. I saw that too,
15 yeah.

16 Q. Interesting.

17 A. And it looks like an add-on. It doesn't say, M.D., it
18 doesn't say, Ph.D., he just puts "Dr." in front. So
19 maybe it was an afterthought. Maybe he decided, gee
20 whiz, I want her to know I'm really somebody important
21 and I think this about what she's doing. I don't know.

22 Q. But in this letter, he does call you misguided.

23 A. Mm-hm.

24 Q. Backward.

25 A. Mm-hm.

1 children as young as 14 years of age were being
2 solicited to attend an opportunity to be introduced to
3 the lifestyle and they were solicited through the
4 school. The school allowed the solicitation.

5 And, in fact, there are newspaper articles, if
6 anyone would care to look it up, where another
7 legislator and I -- another legislator from Snohomish
8 County and I objected to that solicitation. And it was
9 a point of an article in the [REDACTED]. And I
10 refer to that because, to be honest with you, I cannot
11 recall the name of the organization that put it
12 together. I know that there were several county
13 organizations that were sponsors.

14 Q. Do you know whether or not curriculum has been proposed
15 for special-education students, elementary-school
16 students, or even kindergarteners to introduce them to
17 the homosexual lifestyle?

18 A. I have not specifically seen it. I have been told that
19 in some schools, that has been done.

20 MR. PIDGEON: Okay. Okay, I have nothing further.

21 MS. EGELER: I have a few more questions.

22
23 FURTHER EXAMINATION

24 BY MS. EGELER:

25 Q. First, I wanted to ask you --

1 will perceive you in this light: Tragic, ignorant &
2 wrong," in that context, would this language be
3 acceptable?

4 Or let me state it differently. In that context of
5 a bill trying to separate children of different races,
6 would you perceive it to be threatening for a
7 constituent to express that they believe that history
8 will perceive our hypothetical legislator as tragic,
9 ignorant, and wrong?

10 A. I think that the constituent would be very entitled to
11 their opinion that history might reflect that. I might
12 agree or I might not agree. It depends totally on the
13 context. It's really difficult -- you have to
14 understand, this is not a rational person who wrote
15 this. This is not a rational statement. So you're
16 mixing apples and oranges in this -- you know, to my way
17 of thinking, the homosexual movement is a movement. It
18 is not a race. It is not about discrimination regarding
19 a race.

20 Q. And I understand. I'm not trying --

21 A. Okay.

22 Q. -- to equate the two things.

23 I'm asking --

24 A. Okay.

25 Q. -- would this language -- what I'm trying to get at is,

1 would this type of language be acceptable in any context
2 whatsoever? I mean, to remove it completely from
3 categorizing people, if the bill was to euthanize all
4 puppies in the state of Washington --

5 A. Careful. I -- be careful; I have a dog.

6 Q. There you go.

7 So --

8 A. And he's a member of the family.

9 Q. -- would it be threatening for a constituent to express
10 that they find support of a bill to euthanize all
11 puppies in Washington to be untenable, misguided,
12 backward, tragic, ignorant, and wrong?

13 A. In that context, I would say it's okay for a constituent
14 to say that if they want to, yes. In that context,
15 yeah. It takes it out -- it gives it a different
16 connotation. And I understand where you're going. It's
17 just that too often, the homosexual movement tries to
18 paint themselves as a downtrodden -- as a woman, I am a
19 minority. Homosexuals are not. And they want to put
20 themselves in that category and I object to that.

21 Q. I understand.

22 A. Okay.

23 Q. On both Exhibits 8 and 9, the letters show the fax
24 number that the letter was sent to as [REDACTED]. And
25 I'm confused by that, because my understanding is that

1 you forwarded a phone line to the fax. So I'm
2 wondering, how would they know what fax number they were
3 sending --

4 A. They didn't. They didn't.

5 Q. Is that the fax number that they were sending it --

6 A. No.

7 Q. -- to?

8 A. They were sending it to my phone line -- I mean, they
9 began to believe that they had received the wrong number
10 for a phone, because when they called it, they got a fax
11 tone back in their ear. So they thought -- they
12 concluded, then, that that was my fax number, but, in
13 fact, it is not.

14 Q. I understand.

15 A. Does that make sense?

16 Q. Absolutely.

17 And Mr. Pidgeon asked you if the phone calls that
18 you did pick up threatened physical harm to you, harm to
19 your physical safety or emotional safety. And I heard
20 you answer -- please correct me if I'm wrong -- that you
21 felt that it was a threat to your emotional safety; is
22 that right?

23 A. Yes.

24 Q. Did you feel that there was an expression of harm to
25 your physical safety or just emotional safety?

1 A. You know, I have tried to remember, and quite honestly,
2 I don't remember. A threat to your physical safety
3 would be very emotional. And what I remember is the
4 emotion. I don't remember -- I didn't think somebody
5 was going to shoot me. I didn't get that. That wasn't
6 my fear. And my fear was what it was doing to me
7 emotionally.

8 Q. And isn't it possible that someone could say things that
9 were quite disturbing, that would upset you greatly
10 emotionally, even if physical harm wasn't threatened?

11 A. Oh, yes, certainly. And you have to realize, as a
12 [REDACTED], I've got pretty thick skin.

13 Q. So have you had rude phone calls from constituents or
14 from anyone in your [REDACTED] other than these phone
15 calls?

16 A. Well, my office has, and certainly that's why security
17 was called. We've had people come to my office who I
18 think we could categorize as not mentally all there, and
19 we've had some of those kinds of things. To my home, I
20 do remember receiving calls in a prior time from
21 homosexuals, and I cannot remember if it was in regard
22 to legislation that I introduced. I'm not certain.

23 Q. Do you remember --

24 A. But I do remember that I had received them before and I
25 would hang up the phone on them. I never listened to

1 the entire harangue.

2 Q. Do you know when that was, those --

3 A. No --

4 Q. -- other calls?

5 A. -- I can't remember. I really can't. It didn't upset
6 me like this did, I will say that, because there were so
7 many of them and it was in a short period of time. And
8 then when you get -- I mean, you know, for somebody to
9 document this kind of thing is very unsettling. And
10 like I said, after this many years of being a
11 legislator, I've got pretty thick skin.

12 Q. When your office has received calls in the past from
13 angry or rude individuals --

14 A. Uh-huh.

15 Q. -- do you recall any issues that generated those sorts
16 of calls?

17 A. No. Like I said, we've even had people walk into the
18 office that my aide has felt threatened by and would
19 call security.

20 Q. And have you always been pleased by the response of the
21 State Patrol to those situations, those --

22 A. Well --

23 Q. -- calls?

24 A. -- it isn't always State Patrol. Sometimes it's on-
25 campus security. But yes, I've always been -- yeah,

CERTIFICATE

STATE OF WASHINGTON)
)
COUNTY OF SNOHOMISH)

I, the undersigned Notary Public in and for the
State of Washington, do hereby certify:

That the foregoing is a full, true, and correct
transcript of the testimony of the witness named herein,
including all objections, motions, and exceptions;

That the witness before examination was by me duly
sworn to testify truthfully and that the transcript was made
available to the witness for reading and signing upon
completion of transcription, unless indicated herein that the
witness waived signature;

That I am not a relative or employee of any party
to this action or of any attorney or counsel for said action
and that I am not financially interested in the said action
or the outcome thereof;

That I am sealing the original of this transcript
and promptly delivering the same to the ordering attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and
seal this 12th day of October, 2010.

Notary Public in and for the State of Washington
residing at Edmonds, Washington.
(Notary expires 3/09/13)
(CCR No. 2699)

Exhibit 1-6

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	NO. 09-cv-05456-BHS
)	
SAM REED, et al.,)	
)	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION OF [REDACTED]

September 1, 2010

Tacoma, Washington

DIXIE CATTELL & ASSOCIATES
COURT REPORTERS & VIDEOCONFERENCING
(360) 352-2506 ** (800) 888-9714

EGELER ([REDACTED] , 9/1/10)

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1 BE IT REMEMBERED that on Wednesday, September 1,
2 2010, at 12:51 p.m., at 1250 Pacific Avenue, Suite 136,
3 Tacoma, Washington, before REBECCA S. LINDAUER, Notary
4 Public in and for the State of Washington, appeared [REDACTED]
5 [REDACTED], the witness herein:

6 WHEREUPON, the following proceedings were had, to
7 wit:

8 (Mr. Hamilton not present.)

9
10 [REDACTED], having been first duly sworn by
11 the Notary, testified as follows:

12 EXAMINATION

13 BY MS. EGELER:

14 Q [REDACTED], my name is Anne Egeler, and I represent
15 the defendant here, Sam Reed. I'm with the Attorney
16 General's office.

17 Can you start by spelling your last name.

18 A [REDACTED].

19 Q And your first name is [REDACTED]?

20 A [REDACTED], yes, um-hmm.

21 Q Have you ever gone by a different name?

22 A Never.

23 Q And can you provide your home address, please.

24 A [REDACTED].

25 Q And your business address?

EGELER ([REDACTED] , 9/1/10)

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1 person was. Looked like a female initially with a masculine
2 bone structure, but still looked female initially, and was
3 dressed like a woman, you know, displaying everything, and
4 came up and asked what we were doing.

5 I said, "Well, this is Referendum 71." Told her that
6 it's to preserve marriage between a man and a woman and to
7 protect our children.

8 And she said, "Well, why are you" -- he said, "Well,
9 why are you doing this? Why are you getting these
10 signatures?"

11 I said, "It's because of my Biblical beliefs."

12 "Well, what does the Bible have to say?" This is not
13 verbatim. This is the gist --

14 Q I understand.

15 A -- of the discussion. "What does the Bible have to say?"

16 I just briefly quoted what the Bible -- what God has to
17 say about it in the Bible and then the person got very, very
18 argumentative, at which point, I said, "There's no point in
19 us continuing this discussion. You know, if we can't talk
20 peaceably around the Bible, then we don't have anything to
21 talk about."

22 Then the person left. And as they were leaving, they
23 were threatening -- he threatened -- before that, he asked
24 me if I was a pastor because I was there on a Sunday after
25 church in my suit. And I said, "Yes, I am."

EGELER ([REDACTED] , 9/1/10)

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1 "Where is your church?"

2 I told him where the church was in [REDACTED]. As he was
3 leaving to get into his car, he says, "I'm going to bring a
4 bunch of my friends, homosexual, transgenders to your church
5 on this Sunday and we're going to pack your church."

6 And at that point I just said, "Well, God bless you.
7 You can come. You're welcome. If you want to come to
8 church, you come to church."

9 Q And you told him where your church was located?

10 A I don't recall. I told them the name. I might have told
11 them in a hotel, but I don't recall.

12 Q Did he come?

13 A No.

14 Q Excuse me. Did --

15 A No, it's a he. I don't know if it's complete.

16 Q Well, I'll use she, since it sounds like the individual was
17 choosing that gender. So just to be clear when I'm using
18 that pronoun who I'm referring to, did she come to the
19 church?

20 A No.

21 Q At any time, did any transgender individuals come to the
22 church during the Referendum 71 campaign?

23 A No.

24 Q And did anybody of any sort come and make a scene or protest
25 inside or outside the church?

EGELER ([REDACTED] , 9/1/10)

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1 A No, nothing happened.

2 Q When she was speaking to you -- it sounds like it became
3 argumentative -- was anybody else there at the time?

4 A No.

5 Q And did any other incidents occur while you were gathering
6 signatures?

7 A There's one more I have in the declaration and that was
8 outside of the Wal-Mart in Auburn.

9 Q Okay.

10 A A minor incident, but we documented it nonetheless. My wife
11 and I were there together getting signatures, had a table
12 set up with two or three clipboards on the table. And this
13 young lady got her cell phone out and started -- took a
14 picture of me first and went over and took a picture of my
15 wife.

16 And my wife says, "What are you doing?" And the young
17 lady said that she was going to post our pictures on her
18 Facebook or whatever the social networking sites are for all
19 her homosexual and gay friends to know what we look like.
20 So we thought that was inappropriate.

21 My wife says, "I don't want you to do that. Don't post
22 my picture." She'll tell you that herself, but she told
23 her, please not to post the picture. She probably did. I'm
24 sure we're -- anyhow.

25 Q Are you sure?

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1 A No, I'm not sure. But most -- highly probable that we are
2 posted, but that's -- I don't know. I don't visit those
3 places.

4 Q So to be accurate, do you know if those photos were posted?

5 A I don't know if hers were posted.

6 Q Do you know if your photo was posted?

7 A No, I don't.

8 Q And was anyone else there at that time?

9 A My wife and myself.

10 Q Any other incidents that occurred during the gathering of
11 signatures?

12 A No.

13 Q With each of those three incidents -- we have the two
14 lesbian women outside a store that spoke while an elderly
15 woman was going to sign.

16 A Right.

17 Q And then we had a transgendered individual outside the
18 Wal-Mart Lacey and then the third was taking pictures
19 outside the Wal-Mart in Auburn?

20 A Um-hmm.

21 Q With any of those three incidents, did you feel the need to
22 call the police?

23 A No. There was a fourth. It just came back to me and that
24 was when we were out there gathering signatures in Auburn,
25 once again, I believe. I believe it was Auburn. I'm not

EGELER ([REDACTED] , 9/1/10)

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1 sure.

2 Somebody came from outside the store and basically went
3 back in and told the manager. And the manager tried to tell
4 us to leave and so we actually -- not the manager, but
5 the -- a worker did. So then we asked for the manager. We
6 asked for this person to go get their manager.

7 The manager came out, and we explained to the manager
8 what just happened and that we're not harassing anybody.
9 We're being very polite, which we were, and the manager said
10 that we could stay.

11 Q And again, there was no need to call the police with that
12 incident, since the manager took care of it?

13 A That's correct.

14 Q And why, with the first three incidents, did you not feel a
15 need to call the police?

16 A I didn't -- well, the only -- I didn't perceive the threats
17 as being that -- I didn't perceive the likelihood of follow
18 through being that high with the one person that said
19 they're going to come to our church on Sunday. I didn't
20 really feel that they would come, and if they did, we just
21 deal with it.

22 Q And the first incident with the women who said that it was
23 hurtful to them, that Referendum 71 -- I'm not trying to
24 quote you. I'm sure I'm off, but two women approached while
25 you were talking to an elderly woman and they said something

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1 e-mail address is on there. When you get back home, could
2 you send those to my e-mail address?

3 A Sure. I can do it right now. I have it right here.

4 Q We'll just keeping talking for the moment.

5 A Okay. We'll do that. But anyhow, listen to the text of
6 those. And the interactions we had with this David who --
7 once again, he's a -- he's changing his sex. He calls
8 himself Krystal now, and he got very animated and sounded
9 disturbed, sounded emotionally disturbed, not healthy, and
10 his comments concerned me quite a bit.

11 Q What comments did he make that concerned you?

12 A Made very threatening comments to our wife and my church.

13 Q This was on speakerphone, so you could hear it?

14 A I heard part of it on that first conversation, but then
15 there were follow-up calls because he just continued. As
16 you listen to the phone conversations on the recording that
17 I'm going to send you, they increasingly got more animosity.
18 So the call that I heard was short and it was heated, caused
19 concern. But then the subsequent calls got even more heated
20 where we just left them on the answering machine. We didn't
21 pick up and answer. There was no interaction.

22 Q So turning to the first call first, do you remember roughly
23 when that was in terms of the date?

24 A No. It was right after we started at the Secretary of
25 State's office though.

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1 Q So it was during the time signatures were being counted?

2 A Yeah, down at the -- in Olympia.

3 Q Do you know how the individual on the phone got your name?

4 A No. I have some ideas, but I don't know.

5 Q And did the individual state anything about why they were
6 calling you specifically?

7 A From listening to the audios, you'll -- it's our involvement
8 in Referendum 71.

9 Q You said with that first call that it was threatening. In
10 what way? What was said that was threatening?

11 A I can't remember the text of that right now. I would have
12 to listen to it more carefully to say something under oath.
13 I would be glad to give those to you. The audios, they tell
14 their own story.

15 Q And you said that the individual called back. Is that
16 correct?

17 A Yes.

18 Q And did the individual speak with you or your wife or was
19 there a message left on the machine?

20 A There were multiple messages left on our machine.

21 Q After the first call, did either of you speak with the
22 individual again?

23 A No.

24 Q Okay.

25 A Not to my recollection.

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1 Q And the e-mail that you're going to send me will contain all
2 of those voice mail messages?

3 A That's correct.

4 Q And you said that the individual was increasingly
5 threatening. Do you recall what about the calls made you
6 feel that they were threatening?

7 A The tone that he had in his voice towards my wife, hatred,
8 and the tone that he had towards our church and just the
9 emotional content, the vitriol that was coming forth from
10 him, it was not healthy.

11 Q Do you recall what the area code was? Could you tell the
12 area?

13 A It was a 253 number.

14 Q Do you recall anything specifically that was said in the
15 phone calls or the messages?

16 A No. Not that I want to say because it wouldn't be accurate.

17 Q So it was the tone that was threatening to you, not the
18 content of the words?

19 A No, both.

20 Q Both?

21 A Both. I've got thick skin. I'm a pastor. But this
22 concerned me enough that I called our local police in
23 [REDACTED] -- we live in [REDACTED] -- and asked them, because at
24 this time we're also involved with the signature
25 verification process and that's going from 7:30 in the

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1 morning to ten o'clock at night. We're not getting home
2 until 10:30 or 11:00. We're leaving the house at 7:00. We
3 asked for emphasis patrols at our home, just to drive by.
4 Told them what had gone on, drive by periodically to make
5 sure things were all right.

6 Q Do you remember who you spoke to, the name of the officer
7 with the [REDACTED] Police?

8 A No, no. They'll have a report. I don't remember the name.

9 Q Do you have any records with you or at home that state the
10 police report number?

11 A No, uh-uh.

12 Q Or the officer's name?

13 A No, I don't think so. You can ask my wife that. I don't
14 have any of that. But then we also -- there was a
15 jurisdiction problem with the police in [REDACTED] because our
16 church is in [REDACTED], so . . .

17 Q In [REDACTED]?

18 A It's in [REDACTED]. So the [REDACTED] officer said he
19 really can't do anything about contacting this individual,
20 so he said we needed to call [REDACTED]. Our church, actually
21 it's in [REDACTED]. You need to call the [REDACTED] Police. So then
22 we called the [REDACTED] Police and told them what had happened
23 and let the officer actually listen to all the messages that
24 we got. The officer gave David or Krystal a call and asked
25 him not to further contact us, not to go to our church, that

EGELER ([REDACTED] , 9/1/10)

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1 the pastor said you're not welcome at their church.

2 Q And what happened then?

3 A Well, the calls stopped.

4 Q And did the individual show up at your church?

5 A No. Just for the record, though, I felt that that call was
6 serious enough that I also told our hotel manager that we
7 might have problems at church the next Sunday.

8 Q By "hotel manager," the [REDACTED]?

9 A The [REDACTED] where we're meeting.

10 Q Right.

11 A Told him what's going on so he will have a heads-up.

12 Q Who is he?

13 A [REDACTED].

14 Q Can you spell Ha for me?

15 A [REDACTED].

16 Q Okay.

17 A And he's very even-handed, a very professional man. He just
18 took it in stride, just noted it.

19 We also, that day, that Sunday, called the [REDACTED] Police
20 and asked them to have a patrol car close by in case
21 anything happened, told them that we could have something
22 happen at the church.

23 Q Did they do that?

24 A They said -- I assumed they did, but they're just right down
25 the street from us anyhow. But they weren't visibly

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1 present, but, you know, they were informed, so if we would
2 have called, they would have been there quickly.

3 Q When you called the [REDACTED] Police regarding the phone calls,
4 were they promptly responsive? Did they get back to you
5 quickly?

6 A I believe so. I can't recall, but I believe so.

7 Q So were you satisfied with the police response?

8 A Yes.

9 Q And you also talked about the police in [REDACTED] and that you
10 had asked them to drive by the house occasionally.

11 A Um-hmm.

12 Q Do you know, did they agree to do that?

13 A Yes, they did.

14 Q Did they actually do it?

15 A I don't know. We weren't there.

16 Q Were you satisfied with the [REDACTED] Police?

17 A Yes, yes. Not related to any of this, but later during a
18 part of the campaign, we had signs out in our yard and they
19 were defaced. That's not in any of the declarations. The
20 [REDACTED] Police came and took a look at that also. And at
21 that point in time, I reiterated -- I asked them again to
22 just keep an emphasis patrol on our house for this period of
23 time.

24 Q Did they tell you that they had been doing that?

25 A No, no. But he said he would do it though.

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1 Q Were they prompt in responding, when you called about the
2 signs?

3 A Yes.

4 Q Was it one sign that was defaced?

5 A It was ours and also the one on the corner.

6 Q And you say defaced. What happened?

7 A It got spray painted. It was Protect Marriage -- Preserve
8 Marriage, Protect Children sign and it just got spray
9 painted.

10 Q What was spray painted, a design?

11 A No. The text, part of the text was, of the message.

12 Q So it was part of the text was covered with spray paint?

13 A Yeah.

14 Q But no words were spray painted onto the sign. Is that
15 accurate?

16 A Yes.

17 Q Wanted to make sure I was understanding.

18 Do you know who did that?

19 A No.

20 Q And you said that a neighbor sign was spray painted as well.
21 Was it also a Protect Marriage sign?

22 A Yes, um-hmm.

23 Q Do you know if anyone else in your area -- well, let me back
24 up. Where you live, is it a neighborhood with multiple
25 homes?

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1 A Yes.

2 Q Roughly how many homes are in your neighborhood?

3 A It's [REDACTED]. It's continual. It's a bedroom community.

4 Q But hundreds of homes there in [REDACTED]?

5 A Yes, um-hmm.

6 Q Do you know what other types of signs have been damaged
7 during the election year in [REDACTED] in 2009, that summer?

8 A No, I don't.

9 Q Do you know if any other signs were defaced or stolen?

10 A No, I don't.

11 Q And do you know why someone spray painted the sign, what
12 their reasoning was?

13 A No.

14 Q Do you know if it was potentially someone just for no
15 reason, being a vandal?

16 A No, we don't know that.

17 Q So we have incidents that occurred -- four incidents that
18 occurred during the signature gathering process, there were
19 phone calls from a transgendered individual, and there
20 were -- there was a defaced sign.

21 Did any other form of harassment or threats of
22 reprisals occur to you or your wife?

23 A One more and this showed clearly that they had found our
24 home address and that's not really hard to do because, as I
25 thought about it, we're a church. All you have to do is go

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1 to the Secretary of State's Web site, the Corporations
2 Division, find, you know, the officers of the corporation.
3 But anyhow, they found out where we lived and we got a
4 letter in the mail from a bogus address. The return address
5 was bogus in Olympia. My wife is bringing that in. You can
6 look at that when you talk with her.

7 Q Okay.

8 A And this letter just said -- it was addressed to our
9 address. It had this bogus business address there. Had a
10 Tacoma-Olympia postmark on it. We opened it up and the
11 sheet of paper on the inside said, "Christian bigot," and
12 that's all it said.

13 Q Hmm.

14 A You'll see it. One of the words is really big. The other
15 is small. It's probably Christian small and bigot big, but
16 you'll see the paper when my wife comes in.

17 So that led us to believe that they not only know who
18 we are, they know our face, but they also know where we
19 live, so that's it.

20 Q Did it say anything about Referendum 71 in the letter or on
21 the envelope?

22 A No. But I've been pastoring for 15 years, more maybe, never
23 have had anything like that come in our mailbox.

24 Q And you don't know who it was -- who sent this?

25 A Don't know who sent it.

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1 Q But you said you know that it came from a bogus address?

2 A Yeah.

3 Q How do you know that was a bogus address?

4 A When you take a look at it, it's evident. I don't remember
5 now whether it's a wrong zip code or even a wrong street
6 address. It doesn't exist.

7 Q So you never learned who sent that?

8 A No, uh-uh.

9 Q Or why they sent it?

10 A Right. Actually, the address, the return address, is in
11 Olympia, but the postmark is Tacoma-Olympia, so don't know
12 what it is. Don't know where it came from.

13 Q Do you know approximately when that was?

14 A No. It's postmarked though. Get that off the postmark.

15 Q So did all of the incidents that you feel are harassment or
16 threats or reprisals occur before the election in November
17 of 2009?

18 A Yes.

19 Q Did anything happen after the election?

20 A Not to me, but to my wife. You can ask her about that.

21 Q We'll do that. Did we cover all of the incidents that you
22 recall?

23 A Yes.

24 Q Just to get a little bit more information about you as an
25 individual, how long have you had the church at the [REDACTED]

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing deposition of [REDACTED] was taken before me and completed on the 1st day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of [REDACTED] and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 6th day of September, 2010.





Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.

Exhibit 1-7

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,)	
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Plaintiffs,)	
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vs.)	NO. 09-cv-05456-BHS
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SAM REED, et al.,)	
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DEPOSITION UPON ORAL EXAMINATION OF [REDACTED]

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EGELER ([REDACTED], 9/1/10)

Page 4

1 BE IT REMEMBERED that on Wednesday, September 1,
2 2010, at 2:47 p.m., at 1250 Pacific Avenue, Suite 136,
3 Tacoma, Washington, before REBECCA S. LINDAUER, Notary
4 Public in and for the State of Washington, appeared [REDACTED]
5 [REDACTED], the witness herein:

6 WHEREUPON, the following proceedings were had, to
7 wit:

8
9 [REDACTED], having been first duly sworn by
10 the Notary, testified as follows:

11 EXAMINATION

12 BY MS. EGELER:

13 Q Good afternoon, [REDACTED]. My name is Anne Egeler.
14 We've spoken on the phone previously. Just to remind you, I
15 am with the Attorney General's office, and I'm representing
16 Sam Reed and the defendants in the Doe v. Reed case.

17 Have you been deposed before?

18 A Yes.

19 Q And in what sort of an action were you deposed?

20 A It was a lawsuit against Western State Hospital.

21 Q And were you a party to the case?

22 A Yes, I was.

23 Q What was the case about?

24 A Wrongful termination of myself.

25 Q Can you tell me a little bit about it?

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1 A Because he said he was going to be there, but you don't know
2 if they're going to show up or not.

3 Q So you didn't feel convinced that this is necessarily going
4 to occur?

5 A I couldn't say that.

6 Q And did any transgendered individuals show up at the church?

7 A No.

8 Q In fact, in the time that you've been worshipping at the
9 [REDACTED], have any transgendered individuals
10 attended, to your knowledge?

11 A Not that I'm aware of, no.

12 Q Are you aware of any transgendered individuals picketing the
13 church or demonstrating in any way?

14 A No.

15 Q Did anything else occur with that incident? Any other
16 exchange?

17 A No.

18 Q I understand that you thought that this individual was a
19 Wal-Mart employee. Did you speak with a manager about this?

20 A No.

21 Q And why not?

22 A Just didn't come to mind.

23 Q Next incident that you recall.

24 A We had an incident at a Wal-Mart -- no. It was a Target, at
25 the Target store close to Southcenter, Southcenter by the

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1 airport.

2 Q Near the Southcenter Mall area?

3 A Yes. There's a Target there.

4 Q I understand.

5 A I get confused between Southcenter and the South Hill, so
6 it's the one by the airport.

7 Q And what happened?

8 A We were out there at dusk time, my husband and I. It was
9 relatively not too busy. There was a person that we were
10 collecting -- we were collecting signatures. And there was
11 a person that saw us and actually went into the store, a
12 customer it appeared to be, a customer, went into the store
13 and complained with the managers what we were doing and
14 especially with regards to this topic and wanted them to
15 remove us, have security remove us immediately.

16 Q Did this individual speak to you before going in?

17 A They did, but I can't remember exactly what they said.

18 Q And did the manager remove you?

19 A The managers came out and I think one of them was -- he came
20 with a security guard and the evening manager and he said
21 something to the effect that, you know, could you -- he said
22 that the Target corporation is coming with some of their
23 corporate people to come and see how that Target is doing
24 and the supervisors. It's going to be uncomfortable for
25 him, especially with them coming for a review of his work,

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1 and if we would please leave.

2 And we said that it's our First Amendment right, so we
3 stood there and he had no problem with that. He agreed and
4 just left us alone.

5 Q And any other further exchange with him then or things were
6 fine after that?

7 A Yes. The person came out and gave us some, you know, dirty
8 looks and looking at us and upset and walked to their car
9 and left and we stood there.

10 Q Is the person who came out and gave you dirty looks the same
11 individual that went in and complained initially?

12 A Yes.

13 Q But no words were exchanged?

14 A That first one was making some words to us, but we didn't
15 respond back.

16 Q Do you recall what the words were?

17 A I can't remember exactly what they were, but something to
18 the effect that, you know, we're bigots. We're this, we're
19 that, and that was it.

20 Q Were you concerned? Did you feel threatened by that?

21 A No.

22 Q And did you alert the police to that incident?

23 A No.

24 Q Is that because you did not feel threatened by that?

25 A No.

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1 Q Why did you not contact the police then?

2 A They drove off in the car and left.

3 Q And did you get a license plate number?

4 A No.

5 Q Did you try?

6 A No.

7 Q Next incident?

8 A We were at the Auburn Wal-Mart.

9 Q Okay.

10 A We had several incidents occur there. We had -- I was
11 collecting a signature from one person and we had a table
12 there. My husband was standing off to the side. He had his
13 clipboard collecting signatures. There was this one person,
14 I believe it was a female that I was collecting the
15 signature from, she was bent over on the -- leaning over on
16 the table signing her signature. And I got done with her,
17 helping her out, had to fill out how to sign the petition.

18 And as soon as I was done and she walked off, I turned
19 around and I saw this gal the entire time had her cell phone
20 opened up. And as soon as I looked at her, she says, "I've
21 been videotaping you." It was antagonistic. "I've been
22 videotaping you. I'm going to put you on Myspace,
23 Facebook," et cetera, et cetera. Before I could say
24 anything, she clipped her phone shut and just walked off.

25 Q And did either of you say anything to her?

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1 A My husband had been talking to her, but I was getting the
2 signature from this other person, so I didn't hear that
3 conversation. And then he saw her doing this to me but I
4 had my back to her and when she took -- soon as I turned
5 around, she had been taking the picture the whole time. I
6 was unaware of it. When I turned to look at her, she gave
7 me that quote I just said, then she clipped the phone shut
8 and just walked off.

9 Q And --

10 A So I had no chance to speak to her.

11 Q Did you ever go look to see if it is posted online?

12 A No.

13 Q Why didn't you look?

14 A I don't normally get on -- I don't get onto Facebook,
15 Myspace, and all that. I don't have an account, so I
16 wouldn't know where to look or how to look.

17 Q Did you see where she went?

18 A She went into the store.

19 Q Okay.

20 A It was really -- not that particular time. It was really
21 busy.

22 Q And did you alert the police to this?

23 A No.

24 Q So you did not alert the police and you did not attempt to
25 find the video online?

EGELER ([REDACTED] , 9/1/10)

Page 31

1 A No.

2 Q Do you know if the video was online?

3 A I don't, no.

4 Q You said there were several incidents in Auburn. Do you
5 recall any others?

6 A There was a gentleman that came with his wife and he got
7 really agitated trying to argue with us about just getting
8 the signature. He got so agitated that he went into the
9 store and went to the manager and asked -- demanding that we
10 be removed and -- we had authorization from the managers to
11 be there. He was pretty agitated and fabricating some of
12 the things that he alleges that we were saying that we were
13 not. I can't remember exactly what it was, but the manager
14 calmed him down, and I guess he went shopping. We didn't
15 see him after that.

16 Q What was he saying to you that you felt was agitated?

17 A He was very vocal, demonstrative with his body language.
18 His voice was getting higher and he was -- he was talking to
19 my husband, very argumentative. I can't remember the exact,
20 you know, words that he said verbatim.

21 Q So you can't remember what he said, correct?

22 A Not right now, not off the top of my head, but he was upset.

23 Q You said that he was demonstrative. Does that mean he was
24 waving his arms or does that mean that he was making
25 obscene gestures? What does "demonstrative" mean?

EGELER ([REDACTED] , 9/1/10)

Page 32

1 A Seems like that's his type of personality, his personality
2 type to be demonstrative with his hands, waving his arms
3 when he's talking.

4 Q So he was not making obscene gestures?

5 A No.

6 Q Was there any physical confrontation?

7 A No.

8 Q And how did the store manager react?

9 A Apparently just -- I don't know. I wasn't there. But
10 just -- I did go to the restroom after this confrontation.
11 He was inside. I went to the restroom. I saw him there
12 talking with the manager and I could hear him a little bit
13 saying, "I demand that you get them removed."

14 And the manager -- I couldn't hear what was said, but
15 then they didn't do anything about it, the managers, so we
16 continued getting signatures.

17 Q And did you call the police about this incident?

18 A No.

19 Q Why not?

20 A Didn't have to.

21 Q Because?

22 A The manager took care of it.

23 Q So that's two incidents in Auburn. Did anything else occur?

24 A I think that's all I can remember right now.

25 Q And any others in any other location?

EGELER ([REDACTED], 9/1/10)

Page 33

1 A No.

2 Q Were you involved in the submission of the signatures to the
3 State in any way?

4 A The day that they needed to be turned in?

5 Q Yes.

6 A Yes.

7 Q Can you describe that for me?

8 A I believe it was on a Saturday. We were -- we drove there
9 to the state capitol building all collecting. There was
10 several people that gathered there and we began -- people
11 dropping off signatures -- or petitions. We began to
12 organize so that we can count all of them and put them in
13 piles so we can make sure that we have the adequate amount
14 of signatures that needed to be turned in.

15 Q And you were there with Larry Stickney?

16 A I was there with my husband. We drove up and I think Larry
17 showed up afterwards.

18 Q And are you aware of this gathering of the petitions being
19 broadcast on the Internet?

20 A No.

21 Q No?

22 A Uh-uh.

23 Q And then once the signatures had been submitted, it's my
24 understanding that you were one of the people for Protect
25 Marriage Washington that was overseeing the Secretary of

EGELER ([REDACTED] , 9/1/10)

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1 State's process of checking signatures. Is that right?

2 A Yes.

3 Q And how did that come to be?

4 A After we turned in and got the appropriate number of
5 signatures -- petitions to be turned in, I think it was that
6 week -- actually, we got a call that morning on that day. I
7 think it was on a Wednesday. Got a call from Larry
8 Stickney. He was -- said that he just got a call from the
9 Secretary of State's office saying that the homosexual
10 community were very upset that we got the signatures. They
11 didn't think that we would have been able to gather them.
12 Therefore, they wanted to have observers there to verify
13 that the signatures were valid.

14 He said he didn't have anyone else that he could think
15 of to call that had to time to be there to do this.
16 Actually, what Larry said was that in the call that he got
17 that the opposition had asked for observers to be there.
18 And so the person who had called him from the Secretary of
19 State's office said that, in all fairness, we had to call
20 Larry to say, Larry, you know, because they're going to be
21 there to observe the signatures, you know, he's giving them
22 the right to have signatures from R71 to be there as well.
23 So Larry asked us if we had time because we, you know, live
24 there and if we wanted to do this and so we said yes.

25 Q And did other individuals oversee that process as well on

EGELER ([REDACTED], 9/1/10)

Page 45

1 Q Do you have regular parishioners or is your focus of your
2 church to reach out to those who are staying at the hotel?

3 A It's both. We have regular attenders that just kind of come
4 and go.

5 Q And how many regular parishioners do you have?

6 A At that time we had about regular -- we had about five or
7 six.

8 Q And during that time period, the campaign time period, is
9 there anything else you did with regard to encouraging
10 people to vote on Referendum 71?

11 A We were called by a radio station in Seattle, a Christian
12 gal who we never met before, and asked us if we wanted to
13 inform the people on how to vote and so we did that. It was
14 like a 20-minute deal on the radio.

15 Q Through a Seattle radio station?

16 A Yes.

17 Q Did you go and speak with any other radio stations?

18 A Yes. One in Kelso where Pastor [REDACTED] church is at -- or
19 Longview.

20 Q And you spoke on the radio there?

21 A Yes.

22 Q Did Pastor [REDACTED] speak as well on the radio?

23 A I believe he did, but we weren't there with him. He did
24 something separately.

25 Q Any other radio addresses or interviews?

EGELER ([REDACTED], 9/1/10)

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1 A Not that I can recall.

2 Q Did you speak with any media during that time period? By
3 "media," I mean print or television.

4 A Before the election? Yes, yes. It was with [REDACTED]
5 from [REDACTED]. He called us and wanted to interview us.
6 He was doing a piece on it before the election, and so we
7 agreed to meet with him.

8 Q And were you mentioned in the article?

9 A Yes.

10 Q And that was before the election?

11 A Yes.

12 Q So sometime in the fall of 2009?

13 A Yes.

14 Q During that time period from the time of the checking of
15 signatures -- actually, let me change that. We talked about
16 harassment or threats that you perceived during the
17 signature gathering process. At any point after the
18 signature gathering process until the election, were you
19 harassed or threatened in any way, in your opinion?

20 A During the time from the signature process through to the
21 election, is that what you just asked?

22 Q Correct.

23 A Yes.

24 Q Can you describe those incidents for me?

25 A The first one to us that was considered a veritable threat

EGELER ([REDACTED], 9/1/10)

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1 was a -- it was a Wednesday. We went to the elections
2 office to be observers there when it first started. That
3 was on a Wednesday afternoon when we started that process at
4 one in the afternoon.

5 We came home that evening and I noticed we had gotten a
6 couple calls on the caller ID from a David Baurle, I think
7 is his last name. They never left any messages.

8 And also when we were there at the elections office, we
9 had to -- everyone had to sign in their name, you know, sign
10 in our names.

11 Then on Saturday when we were home that first weekend
12 of the observation of the signatures, I returned the call to
13 this David Baurle because people call the church, so we try
14 to return the calls.

15 Q Excuse me. You said there were calls and that they were
16 identified on your phone as calls from David Baurle. Was
17 there a message left?

18 A No.

19 Q Okay.

20 A But he had called twice.

21 Q So two calls?

22 A Um-hmm.

23 Q So it's Saturday and you decided to call?

24 A Yes, to return the call. I normally do that with people who
25 call the church. So I called and said, "Hello. We're

EGELER ([REDACTED], 9/1/10)

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1 looking for" -- I don't remember exactly how it went in
2 order, but, "we're looking for a David Baurle. We're
3 returning a call to a David that called our church."

4 And he said, "There's no David here."

5 And I said, "Okay. I'm sorry. I guess we have the
6 wrong phone number then and thank you."

7 He stopped me and said, "Who is this?"

8 I said, "We're" -- "this is [REDACTED]
9 [REDACTED] and someone had called us named David."

10 He said -- after he said that there's no David there,
11 then he said, "That used to be me." That used to be him.
12 He's no longer David. He's now Krystal.

13 I said, "Okay."

14 And then he -- that's when he said he's the one that
15 made the calls.

16 Q And did you continue to speak with him?

17 A Yeah. Then he asked what -- you know, about our church and
18 that -- I have to read the declaration because I don't
19 remember exactly how it went, but . . .

20 Q If you can't remember, that's okay to say you can't
21 remember. I don't want you to say anything you don't feel
22 confident of.

23 A I just can't remember it verbatim.

24 Q Okay.

25 A He said that he began to explain that his name is Krystal,

EGELER ([REDACTED], 9/1/10)

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1 that it's not David. It used to be David. He's a
2 hermaphrodite, hermaphrodite. Then he began to ask why we
3 were involved with R71.

4 At that point I asked him, "Well, how did you get our
5 phone number?"

6 And then he began to say, "Well, you know, you're on
7 the Web site, aren't you?" And he said something about
8 we're listed with Larry Stickney, aren't you?

9 And at that point when he said that, I did not know
10 from this first paper that you gave me -- like I said, I
11 don't get on to blogs. Never before that time, had never
12 got on to Larry's blog. I didn't know what a blog was. I
13 did not know that we were on here and . . .

14 Q I just want to interject for a moment to reflect for the
15 record that the paper you've been picking up is what we've
16 marked as Exhibit No. 1 to the deposition.

17 A So that's when I first found out that we were on here,
18 according to David that we were on there.

19 I said, "Okay." So he said -- I said, "Well, how did
20 you get our church phone number?"

21 He said, "Well, you've got a Web site, don't you?"

22 I said, "Yeah, okay."

23 And then he began to ask me why are we involved with
24 R71. And -- why are we involved with R71? Why are we doing
25 this?

EGELER ([REDACTED] , 9/1/10)

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1 And I told him because we believe, you know, that
2 marriage is between a man and a woman.

3 And I remember calling him David and he got a little
4 upset. He said, "My name is Krystal. I had my name
5 changed."

6 I said, "Well, I'm sorry. The caller ID had said
7 David, so I'm going to call you David."

8 He started to get upset with me and say -- he says,
9 "Well, why do you have a problem with transgenders? I'm a
10 transgender. I was" -- "I've legally had my name changed."

11 And I said something to the effect that, you know, it
12 was confusing to children. And when I said that, he began
13 to call me stupid. He says, "You're stupid," and he said
14 some other things I can't remember, but I do remember him
15 calling me stupid.

16 And I told him at that point, I said, "David," I said,
17 "if you want to start" -- "I'll talk with you. If you want
18 to start doing this name calling, then I'm going to end the
19 conversation here with you." And then he said -- so then he
20 hung up.

21 He called back, right back again, within just a matter
22 of a couple of minutes and he called back. It was him and
23 then he -- he began to say, "We're going to go to your
24 church. I'm going to bring all of my transgender, lesbian
25 friends. I'm going to bring all of them. It sounded like

EGELER ([REDACTED], 9/1/10)

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1 he had a -- he indicated something to I'm going to bring all
2 of them and we're going to take up half of your -- half up
3 of your space and you better have enough room for us.

4 And at that point, I told him, I said, "Look," I says,
5 "my husband and I have no problem talking with you." I
6 said, "My husband and I" -- "my husband would be glad to
7 talk with you," I said, "but we would" -- "if you want to
8 come to church, you're more than welcome, but if you're
9 going to come with the intent to disrupt our service, I'm
10 going to have to ask you not to do that, you know, but
11 you're more than welcome, and my husband and I, we can talk
12 to you after the service."

13 He didn't seem to listen to that. And then he said,
14 "When we come to your church, we're going to" -- "when the
15 community finds out that you do not support the homosexual
16 community," he says, "the community is not going to want to
17 give to your church."

18 Q Did he say anything else?

19 A I think after that, then he called back and then I didn't
20 answer the phone. I think that's when we started to get the
21 recorded messages with more threats on our phone.

22 Q How did the call end? Who ended the call?

23 A I ended the phone call, the conversation, and then he got
24 mad once and hung up on me and then he called back and made
25 threats he's going to be at our church.

EGELER ([REDACTED], 9/1/10)

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1 A He sent us an e-mail after that.

2 Q Before we get to that, did you have any more phone contact
3 or messages from the individual?

4 A No.

5 Q Then we'll mark this as Exhibit No. 3.

6 (Exhibit No. 3 marked.)

7 Q So you have in front of you what we've marked as Exhibit
8 No. 3 and today part of your subpoena asked you to bring
9 documents, and this is one of the documents you brought,
10 correct?

11 A Yes.

12 Q Can you tell me what this is?

13 A The e-mail that we received from David Baurle now called
14 Krystal Mountaine.

15 Q And this Tuesday, August 4th, is this the Tuesday that
16 follows the Saturday conversations we were just discussing?

17 A Yes.

18 Q After this e-mail, did you respond to it?

19 A No.

20 Q Did you inform the police of it?

21 A No.

22 Q Did you have any further contact with him of any sort?

23 A No.

24 Q Okay.

25 A I want to add something to this e-mail.

EGELER ([REDACTED] , 9/1/10)

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1 Q You want to add to the e-mail?

2 A Make a comment to the e-mail we received from him.

3 Q What would you like to say?

4 A In my conversations with David, David/Krystal, the way he
5 talked on the phone with me does not at all sound like this
6 was his -- the way he would speak or write, so it sounded
7 like this came from somebody else.

8 Q And other than that, do you have any knowledge of whether
9 this came from somebody else?

10 A No. But I can tell you that the way he talked on the phone,
11 that there's no way that he seemed to be of the skill to be
12 able to write something as -- like this.

13 Q I understand.

14 You said you didn't contact the police after you
15 received this. Did you feel threatened by the e-mail?

16 A No.

17 Q Is there some reason that you didn't inform the police of
18 this?

19 A He said he would not be contacting us any further. Again, I
20 have to say that this does not sound like it came from him.
21 Clearly to us, from the conversations with him, somebody
22 else had to be with him that wrote this because this was not
23 the way that he talked.

24 Q I understand. But my question is: Why did you not feel the
25 need to give this to the police?

EGELER ([REDACTED] , 9/1/10)

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1 A He did not make any threats to come to our church at that
2 point, but I think I can understand that whoever helped him
3 do this probably advised him not to contact us.

4 Q Were there any other incidents that occurred?

5 A During the time [REDACTED] called us to interview us for
6 the article for the ballot, we had put our sign out in our
7 front yard, our front lawn, and somebody went there in the
8 middle of the night or sometime we weren't there and defaced
9 our sign.

10 Q In what way?

11 A Looks like black spray paint on both sides.

12 Q Did they spray any words or more of marking out what was on
13 the sign?

14 A Marking out.

15 Q Do you know who did that?

16 A I wish I knew.

17 Q Do you know why they did that?

18 A No.

19 Q Do you know if any other signs of any sort in your
20 neighborhood were defaced?

21 A No.

22 Q Any incidents?

23 A Yes. We got a letter in our home mailbox.

24 Q Let's mark this as Exhibit No. 4.

25 (Exhibit No. 4 marked.)

EGELER ([REDACTED], 9/1/10)

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1 Q And you have there what's been marked as Exhibit No. 4, but
2 I see you also have the original. Again, this is something
3 that you brought in in response to the subpoena, correct?

4 A Yes.

5 Q Can you explain what this is?

6 A This is a letter that we got in our mailbox at our home. I
7 can't see the date on this envelope, so I don't know -- I
8 can't say exactly when it was delivered, but it was before
9 the election.

10 Q Can you please look at the -- what we've marked as Exhibit
11 No. 4 as well and make sure that's an accurate
12 representation of the envelope and the letter that the
13 envelope contained.

14 A Part of my copy is cut off on the envelope.

15 Q So it is, you're right. Can you read from the original what
16 appears in the upper left-hand corner of the envelope?

17 A It says, "Tax Services of Washington." I didn't notice at
18 the time that I read it, until after we opened it up, but
19 then when we opened it up, I looked to see who it was from
20 and realized that they typed Washington incorrectly.

21 Q And how is Washington spelled? Well, we have that on the
22 exhibit, I guess. Can you read the second line of the
23 address?

24 A 992 Capital Avenue.

25 Q The third line?

EGELER ([REDACTED], 9/1/10)

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1 A Olympia, WA 98336.

2 Q Is the remainder of the envelope correctly portrayed on the
3 exhibit?

4 A Yes.

5 Q So it's difficult to read the date stamp on the envelope.
6 Can you read that?

7 A What I can read? Sure. It's stamped from the post office
8 and it says Tacoma/Olympia, WA 983 -- and it's not too
9 legible on the last line here.

10 Q I think --

11 A Something 2009, I think.

12 Q It looks to me --

13 A PM.

14 Q -- like October 2009. Does that sound right to you?

15 A Maybe that's 06 OCT, I think, yeah.

16 Q Do you think it might be October 2009?

17 A That's what it looks -- or two thousand -- mine could say
18 2009 here, but it's more than likely 2008.

19 Q When do you --

20 A 2009, yeah.

21 Q When do you believe you received this?

22 A This was during the time before the election last year.

23 Q Do you think it was October of 2009?

24 A The election was last year?

25 Q Yes.

EGELER ([REDACTED] , 9/1/10)

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1 A Yeah, 2009.

2 Q Okay.

3 A Or, yes, 2009. Sorry.

4 Q The front sheet, the first page of Exhibit No. 4, is this a
5 fair representation of what was contained in the envelope?

6 A Yes.

7 Q Do you know who sent this, other than the address on the
8 outside?

9 A I sure wish I knew.

10 Q Do you know why they sent it?

11 A Probably in relation to R71.

12 Q How do you know that?

13 A We've never received this before.

14 Q You don't know who the person is who sent it. Is it fair to
15 say you don't know why it was sent?

16 A It was during the time that we were involved with R71. We
17 never received something like this before.

18 Q I understand, but do you know for a fact why this was sent
19 to you?

20 A I believe that it was related to R71.

21 Q And why? How do you know that this was related to R71?

22 A Again, because we never received this before.

23 Q And --

24 A It was during the same time line that we got our sign out on
25 front lawn defaced, around that time.

EGELER ([REDACTED] , 9/1/10)

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1 Q Do you know who defaced your sign?

2 A I already answered that question. I said no.

3 Q And how do you know who sent this?

4 A They -- if you look -- they didn't sign, who sent it, so we
5 don't know.

6 Q And did you check with Tax Services of Washington to see if
7 that was a valid address or business?

8 A Yes, we did.

9 Q And is it a valid address?

10 A No.

11 Q Is it a business?

12 A No. It's interesting, though, that during the time that we
13 were at the elections office, we would -- it was like our
14 home there with everybody there for 15 hours a day, that I
15 had mentioned to one of the workers there, one of the
16 supervisors there during a break or something, that I have
17 to file our taxes because we hadn't -- we were late on
18 filing our taxes. And so I thought that was interesting
19 that whoever sent this used this Tax Services of Washington
20 to kind of like throw us off, thinking it was some tax
21 services.

22 Q Who had you spoken to and told you were late filing your
23 taxes?

24 A To -- I can't remember her name. She's the supervisor
25 there. I can't remember her name. She worked with David

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing deposition of [REDACTED] was taken before me and completed on the 1st day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of [REDACTED] and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 7th day of September, 2010.



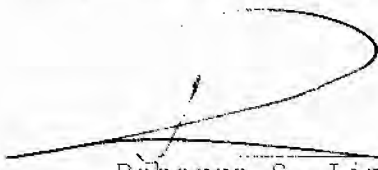

Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.

Exhibit 4 Date 4/1/10

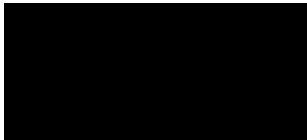
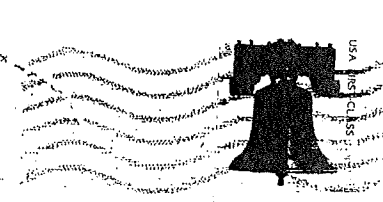
Rebecca S. Lindauer, CCR, RPR

christian

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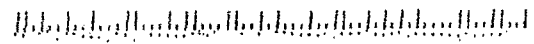


Exhibit 1-8

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	NO. 09-cv-05456-BHS
)	
SAM REED, et al.,)	
)	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION OF [REDACTED]

September 13, 2010
Vancouver, Washington

DIXIE CATTELL & ASSOCIATES
COURT REPORTERS & VIDEOCONFERENCING
(360) 352-2506 ** (800) 888-9714

EGELER ([REDACTED], 9/13/10)

Page 4

1 BE IT REMEMBERED that on Monday, September 13,
2 2010, at 8:46 a.m., at 1220 Main Street, Suite 510,
3 Vancouver, Washington, before REBECCA S. LINDAUER, Notary
4 Public in and for the State of Washington, appeared [REDACTED]
5 [REDACTED], the witness herein:

6 WHEREUPON, the following proceedings were had, to
7 wit:

8
9 [REDACTED], having been first duly sworn by
10 the Notary, testified as follows:
11

12 MS. EGELER: I would like to start by noting on
13 the record that it's 8:48, and I have called my office phone
14 for messages, and there are no messages, so I'm assuming
15 that counsel for the Doe plaintiffs does not intend to
16 attend the deposition, so we'll get started.

17 EXAMINATION

18 BY MS. EGELER:

19 Q [REDACTED], we're going to be recorded today by our court
20 reporter, so there are a few rules that we need to follow to
21 make sure she can get a good transcript, so we'll need to be
22 careful to not speak over each other, wait until the other
23 is finished speaking before talking.

24 A Um-hmm.

25 Q If you could please say yes or no, instead of um-hmms or

EGELER ([REDACTED], 9/13/10)

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1 A Yes, I have.

2 Q And where did you go to do that?

3 A Anywhere from parks, city streets, just public places.

4 Q And were you successful in getting signatures?

5 A I was.

6 Q Did you do anything else to support Referendum 71?

7 A We just hold signs on the streets, bumper stickers.

8 Q So there was a bumper sticker on your car?

9 A Yeah.

10 Q Did you give out bumper stickers to others?

11 A I did.

12 Q And where did you hold up signs?

13 A In the corner of Mill Plain and Chkalov, the street
14 crossings of Padden Parkway and Andresen, street crossings
15 of Padden Parkway and 117th, street crossings on Main
16 Street. Don't remember the cross street on that one. And
17 then church, across the church, street number: [REDACTED]
18 and [REDACTED].

19 Q These are all major intersections, correct?

20 A Yes.

21 Q Did you have other people with you?

22 A I have.

23 Q How many people were with you?

24 A I had my youth group involved, so anywhere from 100-plus
25 people.

EGELER ([REDACTED], 9/13/10)

Page 15

1 Q Did you encourage the members of your youth group to sign
2 the petition?

3 A Did I encourage them? What do you mean by "encourage"? Can
4 you explain that?

5 Q Let me change the question. Did you tell them about
6 Referendum 71?

7 A I have told them about it.

8 Q Did you tell them that you were supporting?

9 A Yes.

10 Q Did your employer, [REDACTED], know about your support of
11 Referendum 71?

12 A I didn't work for them at that time.

13 Q Did you work with other churches to promote Referendum 71?

14 A I have.

15 Q And just to be clear, let's state the name of your church so
16 we can distinguish it from others.

17 A [REDACTED]

18 Q And that's located in [REDACTED]?

19 A [REDACTED]. Address: [REDACTED],
20 [REDACTED].

21 Q And you talked about Pastor [REDACTED], and is he also involved
22 with your church?

23 A He's our sister church in [REDACTED].

24 Q And what was your involvement with Pastor [REDACTED] in promoting
25 Referendum 71?

EGELER ([REDACTED] , 9/13/10)

Page 16

1 A We just worked together on phone calls, different plans,
2 anything we can do to have -- get the word across to people.

3 Q Did you do phone calls then to encourage people to vote?

4 A No.

5 Q No.

6 When you talked about holding up signs, what did the
7 signs say?

8 A Reject R71.

9 Q And before there was a Referendum 71, there was a senate
10 bill regarding the same issue. Were you familiar with the
11 issue at the time the senate bill was being promoted?

12 A No.

13 Q I want to talk now about any harassment or threats that you
14 received as a result of your involvement with Referendum 71.

15 A Um-hmm.

16 Q So we'll go through each event that occurred.

17 A Okay.

18 Q So let's begin wherever you would like, if you've suffered
19 any harassment or threats.

20 A I only had like probably three stories.

21 Q Three stories, okay. Let's start with the first then.

22 A First one occurred on Mill Plain and Chkalov. It was about
23 eleven o'clock.

24 Q A.m.?

25 A P.m.

EGELER ([REDACTED], 9/13/10)

Page 17

1 Q P.m.

2 What you were doing at the intersection at 11:00 p.m.?

3 A We had, that night or that evening, we had a rally there --
4 not a rally, or like a sign, whatever, sign holding. And I
5 was just coming up cleaning everything up after that, what
6 we had, and making sure that we leave it clean.

7 Q Was anyone else there with you?

8 A At that moment we just had a car leave, so I was walking
9 back to my car. I saw a sign there, one of my signs that
10 was there, so I decided to pick it up.

11 Q Was that a Referendum 71 sign?

12 A It was an R71 sign, yeah.

13 Q Okay.

14 A I picked up the sign. I had a car pull over right across
15 from me.

16 Q Was it across the street?

17 A It was right across the street. So if you look where Fred
18 Meyer's is, the car pulled into the 76 gas station.

19 Q Were you on the same side of the street as the gas station?

20 A We were not.

21 Q You say "we." Who was with you?

22 A Well, the car that was about to leave, but the rally was
23 held on the Fred Meyer corner. That's what I refer as "we."

24 Q But you say the car that was about to leave, so were there
25 people in your group that were still there?

EGELER ([REDACTED], 9/13/10)

Page 18

1 A Yeah.

2 Q And about how many people?

3 A Two.

4 Q You and who else?

5 A It was somebody from the rally. I don't really remember
6 their names.

7 Q Two other people from the rally?

8 A Yeah.

9 Q You are under oath, [REDACTED], so if you do remember their
10 names --

11 A I don't. I do not remember their names at this point. We
12 had a lot of people there.

13 Q Were they all associated with the church?

14 A No. We had different people that came out there to support.

15 Q So across the street a car pulls into the service station,
16 correct?

17 A Yes.

18 Q What happened next?

19 A For me, I didn't -- you know, I didn't notice, but all I saw
20 is young men running at me. I had a sign in my right arm
21 and a hammer in my left arm because I was just pulling it
22 out from the ground.

23 Q Okay.

24 A He just launched at me.

25 Q So a young man. About how old, do you think?

EGELER ([REDACTED] , 9/13/10)

Page 19

1 A Maybe 20's.

2 Q Maybe 20's.

3 He ran across the street?

4 A Right across the street where I was.

5 Q And did he say anything?

6 A Just a bunch of cuss words.

7 Q Do you know why he did that?

8 A I do not.

9 Q And his only speech to you was cuss words?

10 A Cuss words and he launched at me.

11 Q Did he say anything about Referendum 71?

12 A He did.

13 Q What did he say about Referendum 71?

14 A He wasn't in support on what we were doing.

15 Q Is that what he said, "I'm not in support of what you're
16 doing"?

17 A Do you want me to repeat what he was saying?

18 Q Yes, please.

19 A I'm not -- you know, I'm not going to repeat the cuss words,
20 but he was just saying what you guys are doing is wrong.
21 You guys deserve to die. Everybody deserves the right to
22 live, some kind of -- you know, in that kind of that way,
23 so -- he was very physical, so he was getting, you
24 know . . .

25 Q So can you describe what he looked like?

EGELER ([REDACTED], 9/13/10)

Page 20

1 A Young man. This was a while back, so I can't really
2 remember, you know, specific details, but just a young man.

3 I don't know. What else would you like to know? White.

4 Q Do you remember approximately how tall he was?

5 A A little bit taller than me.

6 Q And his weight approximately?

7 A Skinny. He did have long hair.

8 Q He did?

9 A Yeah.

10 Q So you say he lunged at you. Did he touch you?

11 A Well, physically, yeah. We had a few pushes here and there
12 and me, I was just self-defensing, like I said. If I had
13 wanted to really put force in, I had a hammer in my left
14 hand.

15 Q So he pushed you?

16 A Yeah.

17 Q What did you do when he pushed you?

18 A It was kind of like he launched at me, so I launched at him,
19 kind of like get away, you get what I mean?

20 Q So he pushed you and you pushed back?

21 A Not pushed back, but just kind of like just self-defensing
22 on my side because I didn't know what he had. It wasn't my
23 intention to just, you know, push him or anything. I see
24 him, you know, approach on me physically, so I -- anything I
25 did was just to, you know, get myself out of his mess.

EGELER ([REDACTED], 9/13/10)

Page 21

1 Q And did he stop?

2 A He did stop. There was a police officer on the corner of
3 the Starbucks, in the Starbucks, and I guess . . .

4 Q The corner, so the Starbucks --

5 A The Starbucks on Mill Plain. Yeah, on the same --

6 Q Same intersection?

7 A -- intersection.

8 Q What did the officer do?

9 A Well, I guess the officer didn't see what happened, but when
10 he saw him, he ran back to his car, sat in the passenger
11 seat, and took off.

12 Q When you say "he ran back to his car," do you mean the
13 officer or --

14 A No. The guy that approached me.

15 Q So the guy that approached you, did he ever hit you?

16 A No. No, he didn't.

17 Q And did the officer come over and speak with you?

18 A No.

19 Q And you think the officer didn't see anything?

20 A I don't know. He didn't come by, so . . .

21 Q Did you feel the need to go and speak to the officer,
22 contact the officer?

23 A No.

24 Q Why not?

25 A I just didn't think it was that important to -- you know,

EGELER ([REDACTED], 9/13/10)

Page 22

1 like I said, it didn't happen where I got hurt or anything,
2 so I just didn't see that it was important for me to do
3 that.

4 Q Would it be fair to say you felt safe at that point?

5 A I didn't feel safe, but I understood that, you know, if it
6 comes to self-defense, I can defend myself physically. It's
7 a public street. There was a lot of, you know, cars driving
8 by at that time of the day still, you know.

9 Q That's pretty late to have a gathering with signs that --

10 A No. We're cleaning up.

11 Q Okay.

12 A So we were there from 7:00 to until maybe 10:00.

13 Q 7:00 to 10:00?

14 A 7:00 to 9:00 or something. We were just cleaning up.

15 Q Had you ever seen the young man that pushed you?

16 A Did I ever see him again?

17 Q Had you ever seen him before?

18 A I have not.

19 Q Did you ever see him again?

20 A No.

21 Q Did anything else happen at the end of that incident or
22 anything else?

23 A No.

24 Q So the second incident, let's talk about that.

25 A Second incident was on Padden Parkway.

EGELER ([REDACTED] , 9/13/10)

Page 23

1 Q Excuse me?

2 A Padden Parkway and Andresen.

3 Q Again, a large intersection?

4 A Yes. It was a Sunday.

5 Q What time?

6 A I'm guessing about three o'clock in the afternoon.

7 Q And were you at the intersection alone?

8 A No. We had a gathering there again with signs.

9 Q How many people?

10 A About 50 people.

11 Q What happened?

12 A When we were there, there was a bus that pulled in.

13 Q Where did it pull in?

14 A Just pulled in the side of the street and --

15 Q Same side of the street that you were standing on?

16 A We were standing on all four blocks.

17 Q Okay.

18 A And three men came out.

19 Q Was this a city bus then?

20 A No. This was a construction-looking work bus.

21 Q So three men came out.

22 A And they were wearing very provocative clothes, was saying
23 like almost naked.

24 Q Can you describe what they were wearing?

25 A Just to cover their private parts of the body. Everything

EGELER ([REDACTED], 9/13/10)

Page 24

1 else was showing.

2 Q So basically just a bathing suit then?

3 A Basically a thong, if you want to put it that way.

4 Q That's all they wore?

5 A Yeah.

6 Q Okay.

7 A We had -- this was people from youth, so there was a lot of
8 young people there.

9 Q Okay.

10 A What they started to do is just walk around the crowd,
11 verbally talking to people, you know -- I don't know how to
12 explain it right, but offering their services as in like
13 sexual ways. I'm talking about we had a lot of young girls
14 and a lot of young guys there.

15 And when they came to me, when I saw this, I approached
16 them. There was a man with us. You guys might know him.
17 His name is [REDACTED]. You can put his name down, if you
18 like, as a witness. And me and him organized that
19 particular rally or that particular meeting. And when we
20 were there, we approached them and we asked them to leave
21 kindly and they got very upset.

22 Q What did they do when they got upset?

23 A They just started throwing garbage at us from their van.

24 Q So they got back into the --

25 A Yeah.

EGELER ([REDACTED], 9/13/10)

Page 25

1 Q Was it a bus or a van?

2 A It was like a van, like a work van, you know what I'm
3 talking about? Those big -- it was either -- an old Chevy
4 with a slide door.

5 Q If I understand, you asked them to leave and then they got
6 into their van?

7 A Came out, started throwing stuff at us.

8 Q While in the van --

9 A While in the van. They were driving back and forth. And
10 then they would get completely naked, stick their rear ends
11 out of the windows.

12 Q Did you get a license plate number?

13 A I didn't.

14 Q How many times did they drive back and forth?

15 A A few times. It's a four-block -- I mean, a four -- you
16 know, there's nice four paved blocks. So they would go once
17 here, once there, you know, just around the corner.

18 Q Why didn't you get a license plate number?

19 A I didn't think it was important enough to. You know, things
20 happen. I understand people are upset, so . . .

21 Q When they were walking around the crowd, were they -- I
22 understand they were soliciting sex or making sexual
23 comments. Were they talking about Referendum 71 as well?

24 A They were against -- they were on the opposition of being
25 against R71.

EGELER ([REDACTED], 9/13/10)

Page 26

1 Q What did they say about that?

2 A I don't remember. I know that they were walking around and
3 the reason what they were doing is because they were
4 against. They were just showing of their behavior, the way
5 they were acting.

6 Q So you knew it because of their behavior as opposed to what
7 they said. Is that right?

8 A Well, yeah. I mean, why would a bus stop by and three guys
9 would come out fully naked, knowing that these are church
10 folks, knowing that the morals are high, and come out and
11 they would offer their services to young men, not women.
12 I'm talking about young men, and these are not people that
13 were for. These people were against and that's obviously
14 seen.

15 Q So they said nothing about Referendum 71, but you could tell
16 by their behavior and being undressed?

17 A Yes.

18 Q I understand.

19 And how many times did they drive by?

20 A I'm guessing around four. There was four corners on that
21 intersection. They made it around every corner.

22 Q Did the garbage that they threw hit you?

23 A No.

24 Q Did it hit anyone in your group?

25 A Don't remember. It was a big crowd, about 50 people, so

EGELER ([REDACTED] , 9/13/10)

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1 they might have.

2 Q Were they throwing things every time?

3 A Cups, plastic bottles, just whatever they got under their
4 arm, whatever they found in that van.

5 Q Do you remember if it's a Washington plate or an Oregon
6 plate?

7 A I don't remember. I was one of the organizers of the rally,
8 and I was at a point where I didn't see everything.

9 Q Did anyone call the police about this?

10 A I don't know. The police were on-site though. I think
11 there was one police officer standing there just to look
12 over. He was there. I guess they called in just so he can
13 stand for safety or whatever. I don't know what he was
14 called in for.

15 Q So --

16 A There was a police officer on-site --

17 Q The whole time?

18 A -- but he was just chilling in the car, you know what I
19 mean?

20 Q And do you remember what date this was?

21 A I do not. I'm guessing it was in one of the June -- May,
22 June, July months, but I'm not quite sure which one because
23 we did quite a few.

24 Q Did the officer do anything at all?

25 A He actually went by, asked around what went on, but nothing.

EGELER ([REDACTED], 9/13/10)

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1 You know, just is everything okay, is everybody fine, and
2 that's it.

3 Q Did he do this while the individuals were walking around the
4 crowd?

5 A No. They were gone.

6 Q Did you feel that the police were appropriately protecting
7 people?

8 A No. I felt like they weren't doing their job.

9 Q What did you think they should do?

10 A What they should have done?

11 Q Yes.

12 A I feel like they should have came out at the time when that
13 occurred.

14 Q When what occurred?

15 A When they pulled in and, you know, addressed some things to
16 them, maybe to us. I feel like they were just chilling
17 there enjoying their coffee in their car rather than coming
18 out there and actually doing something.

19 Q Did you approach the officer and ask the officer to do
20 something?

21 A Well, I was in the middle of whatever was going on. But
22 after everything happened, I came up to the police and I
23 told them, "Didn't you guys see what was going on?"

24 Q What did they say?

25 A They thought they were a part of us, which doesn't make

EGELER ([REDACTED], 9/13/10)

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1 sense.

2 Q How many officers were there?

3 A There was one.

4 Q Do you remember his or her name?

5 A I'm guessing Officer Gomez or Lopez. He was a Hispanic man.

6 Q Do you know if the police took a report?

7 A No, they have not.

8 Q Was anyone physically hurt that day during that incident?

9 A No, I don't think so.

10 Q Going back to the first incident where -- where you were out
11 at 11:00 p.m. and the car pulled into the gas station, did
12 you get a vehicle license plate?

13 A I did not.

14 Q Do you remember if that was Washington or Oregon?

15 A Do not remember.

16 Q Do you remember the color of the car?

17 A It was a black Civic.

18 Q Black Civic, okay.

19 A Black Civic or Subaru, I really don't remember. Some
20 Japanese make.

21 Q Anything else happen with respect to the second incident
22 with the three men that were unclothed?

23 A No. We talked it over with [REDACTED], make sure it
24 won't -- you know, trying to do everything we can next time
25 so it won't happen.

EGELER ([REDACTED], 9/13/10)

Page 30

1 Q Who is [REDACTED]?

2 A He is one of my good friends.

3 Q Is he associated with the church?

4 A He's not, but he worked with me for the R71.

5 Q You said there was one more incident. Let's talk about
6 that.

7 A The incident was at the church.

8 Q What happened?

9 A When I was outside with my table, just people were standing
10 up signing petitions.

11 Q Was this on a Sunday?

12 A This was a Sunday afternoon.

13 Q Do you remember what month?

14 A I don't. In those three months, somewhere down in that
15 category.

16 Q May, June, or July?

17 A Yeah. I just don't remember because there was so many
18 events that we did in those three months, so I don't
19 remember which one was which.

20 Q Okay.

21 A And it was about three of us at the table. [REDACTED] was
22 there. And we -- we were doing the -- the African-American
23 lady approached us. She was very upset. And she said that,
24 you know, we'll do everything to stop what you're doing.
25 You guys don't care about families. You guys don't care

EGELER ([REDACTED] , 9/13/10)

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1 about love or -- you know, amongst couples or whatever.

2 We tried everything to -- not to make her even more
3 upset, as in saying, you know, that's fine. Your opinion
4 is -- you know, in support you have the right to do whatever
5 you like.

6 She did actually -- you know, you can see she was very
7 upset in the way she approached us. After she did -- her
8 friend or her boyfriend or whoever it was that pulled in
9 afterwards, he came out of the car. He got very upset with
10 us saying that, you're making my girl mad. You know, I'll
11 bust your cap. I don't know what that's supposed to mean.
12 You know, everybody deserves the right to live, you know,
13 these kind of terms, you know. Nothing towards us
14 specifically, but just saying that one day we'll have your
15 kids.

16 Q I don't understand.

17 A Like I guess from the people that were in opposition of R71,
18 they were -- because a lot of -- one of the sayings that we
19 used in R71 was, you know, safe families, safe kids or
20 whatever. Basically one of the things that she spoke
21 against is, you know, we'll have your kids, as in like, you
22 know, we get this law through and your kids will be -- you
23 will be living the life of the same sex marriage or
24 whatever. Again, we didn't -- I understood what she meant,
25 but it's -- that's just kind of verbally threats here and

EGELER ([REDACTED], 9/13/10)

Page 32

1 there. Nothing very physical, just very mad.

2 Q Anything physical at all?

3 A Nothing very physical.

4 Q So nothing physical?

5 A Nothing physical.

6 Q And nothing physical from the person --

7 A No, just verbally. I guess she called him and told him we
8 were there. He pulled in.

9 Q He was just verbal, not physical?

10 A Just verbal, cussing, nothing physical.

11 Q Did you call the police?

12 A No.

13 Q Why not?

14 A Because we understand people are mad and I -- honestly I
15 didn't see a point because everybody has the right to their
16 own opinion. Everybody has the right to speak out whatever
17 they think is right. And if that's the way they understood
18 it, that's totally fine with me, because, you know, I'm
19 standing on what I think is right, so it gives them the
20 right to do the same thing.

21 Q I understand.

22 A That's why I didn't push on calling the police because
23 that's the opinion that I have about other people's opinion.

24 Q And you said [REDACTED] saw all of this incident as well?

25 A [REDACTED] was there.

EGELER ([REDACTED] , 9/13/10)

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1 Q Do you remember what the car looked like?

2 A It was an SUV-type.

3 Q What color?

4 A Black or dark blue, something darker tone. I don't really
5 remember at this point.

6 Q Did you get a license plate?

7 A I did not.

8 Q Was that because you weren't concerned?

9 A Like I said, I wasn't concerned about -- you know, the lady
10 pulled in and it was in kind of let's say, you know, you can
11 see she was mad. Just because she was mad, she was saying
12 things that she didn't really -- you know, maybe she didn't
13 even mean just because of the heat or whatever she was on,
14 things came out the way they did.

15 And what I tried to do is just, you know, just told
16 her, you have the right to whatever you think and that's
17 totally fine with me. I'm not going to start here and push
18 my thing through. You can go across the street, put up your
19 signs, and do whatever you like. Everyone has the right to
20 do that.

21 Q Did you have a sign in your yard at your home?

22 A I did.

23 Q You said that you worked on Referendum 71 for three months:
24 May, June, and July. Those would be the months that you
25 were encouraging people to sign petitions, correct?

EGELER ([REDACTED], 9/13/10)

Page 34

1 A Yes, ma'am.

2 Q During those months, about how many days a week do you think
3 you had some involvement with Referendum 71?

4 A Probably -- it varied from two times a week, three times a
5 week, just whenever.

6 Q Okay.

7 A I did work with [REDACTED]. He and I worked together on
8 organizing stuff here in Vancouver.

9 Q So over the course of those three months, do you think it
10 would be fair to say maybe 40 or 50 days you might have done
11 something either --

12 A Yeah.

13 Q -- signs or petition encouragement?

14 A Yeah, you can say that.

15 Q And after the petition signatures were counted and you knew
16 that Referendum 71 had made it to the ballot, did you
17 continue to promote the campaign?

18 A Yes, I have.

19 Q And between the time that the signatures were counted and
20 the actual election, there were a number of months. Would
21 you say that you worked how many more days on Referendum 71?

22 A At least twice a week, so . . .

23 Q Twice a week in public places?

24 A Yeah.

25 Q So do you think that after the signatures were counted,

EGELER ([REDACTED] , 9/13/10)

Page 35

1 would it be fair to say that you worked approximately 50
2 days in some public location to promote Referendum 71?

3 A Yeah, I think it's fair.

4 Q When you talked about the second event where the people that
5 were unclothed or wearing thongs were walking in the crowd,
6 you said there was a police officer who was there in his
7 car. Do you remember if that was a Vancouver Police officer
8 or whether it was a Clark County Sheriff officer?

9 A I think it was a VPD, Vancouver Police Department.

10 Q And then the first incident where somebody stopped at the
11 gas station and got out, you said there was a police officer
12 near at that time as well?

13 A Yeah. There was one at Starbucks on Chkalov and Mill Plain.

14 Q Do you remember if it was a Vancouver officer or Clark
15 County?

16 A It was VPD.

17 Q So Vancouver again?

18 A Yeah.

19 Q You thought the name of the officer who you spoke to about
20 the second incident with the men in the thongs, that that
21 officer's name was Gomez or Lopez?

22 A Yeah. He was a Hispanic officer, so either I think Gomez or
23 Lopez. I don't -- something in that category.

24 Q The first incident where the officer was near Starbucks, do
25 you remember his name?

HAMILTON ([REDACTED], 9/13/10)

Page 36

1 A I didn't talk to him, so I just saw him there.

2 Q Were there any other incidents at all?

3 A This is the only three that I personally saw.

4 Q Have you talked to your father about testifying?

5 A What do you mean?

6 Q Have you talked at all to your father about the fact that he
7 will be testifying this afternoon?

8 A Yeah, he knows.

9 Q Do you know if he's going to talk about the same incidents
10 or whether he has additional incidents?

11 A I don't know.

12 Q If the signed petitions were available for people to see,
13 publicly available, would it bother you that someone could
14 see that you signed the Referendum 71 petition?

15 A It depends the way you guys put it, put there, or the way
16 they put it up there.

17 Q Okay.

18 A If they just put my first and last name, I don't mind at
19 all.

20 MS. EGELER: I have no further questions.

21 EXAMINATION

22 BY MS. HAMILTON:

23 Q I just have a couple of follow-up questions. [REDACTED], I
24 represent the Washington Coalition of -- let me make sure I
25 get my client's name right. The Washington Coalition of

HAMILTON ([REDACTED], 9/13/10)

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1 Families that Oppose -- which is basically a broad coalition
2 that opposed the civil rights groups and churches that
3 opposed the effort to get Referendum 71 on the ballot.

4 My name is Jessica Hamilton. I'm with a law firm in
5 Portland called Perkins Coie. I have a few questions.

6 I wanted to go back to [REDACTED]. You gave a little
7 bit of background on [REDACTED]. How did you first meet
8 [REDACTED]?

9 A The first time I met him was I think we met up in one of the
10 rallies.

11 Q By "rally," you mean --

12 A One of the meetings we had.

13 Q For Referendum 71?

14 A Yes, ma'am.

15 Q And is he connected with another church?

16 A He does go to church. I don't know the church name. I know
17 it's somewhere located in Camas, Washington.

18 Q Is that where Mr. [REDACTED] lives, is in Camas?

19 A He lives in Camas, yeah.

20 Q And is he -- did he organize a lot of the rallies?

21 A Yes, he did. We did it together.

22 Q Did you have -- I'm interested in how you organized the
23 rallies. Did you have a Web site or . . . ?

24 A Facebook.

25 Q Facebook.

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

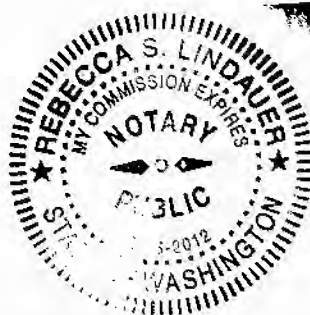
That the foregoing deposition of [REDACTED] was taken before me and completed on the 13th day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;


That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness waived signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of [REDACTED] and promptly mailing the same to MS. ANNE E. EGGER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 14th day of September, 2010.




Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.